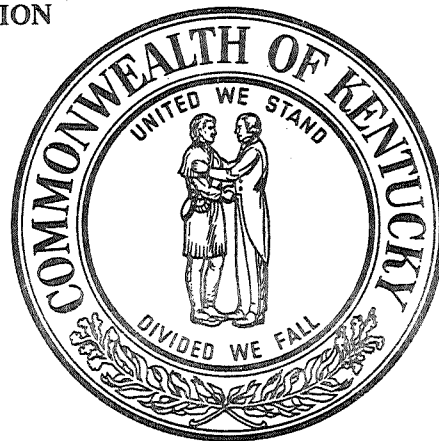


LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 4, NUMBER 9

SATURDAY, APRIL 1, 1978



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This is an official publication of the Commonwealth of Kentucky, Legislative Research Commission, giving public notice of all proposed regulations filed by administrative agencies of the Commonwealth pursuant to the authority of Kentucky Revised Statutes Chapter 13.

Persons having an interest in the subject matter of a proposed regulation published herein may request a public hearing or submit comments within 30 days of the date of this issue to the official designated at the end of each proposed regulation.

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Title	Chapter	Regulation
806	KAR	50 : 155
Cabinet Department, Board or Agency	Bureau, Division or Major Function	Specific Area of Regulation

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Public Hearing Scheduled

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION

A public hearing will be held at 9 a. m. EDT, May 4, 1978, in the auditorium of Capital Plaza Tower, Frankfort, Kentucky 40601 on the following proposed regulation, published in this issue [4 Ky. R. 338].

400 KAR 1:020. Selective timber cutting.

Emergency Regulation Now In Effect

JULIAN M. CARROLL, GOVERNOR
Executive Order 78-194
March 15, 1978

EMERGENCY REGULATION
Development Cabinet
Department of Agriculture
Equine Movement

WHEREAS, the Department of Agriculture is charged with responsibility for the control of communicable diseases among animals; and

WHEREAS, a foreign disease, Contagious Equine Metritis, has been diagnosed in the thoroughbred population of the Commonwealth; and

WHEREAS, the Department and the State Board of Agriculture have determined and found that an emergency exists and that there is an immediate necessity to begin enforcement of a new regulation on the above-referenced subject; and

WHEREAS, the State Board of Agriculture, pursuant to KRS Chapter 257 and KRS 13.082, has promulgated a new regulation:

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Department of Agriculture that an emergency exists and direct that the attached regulation become effective immediately upon being filed in the Office of the Legislative Research Commission.

JULIAN M. CARROLL, Governor
DREXELL R. DAVIS, Secretary of State

CABINET FOR DEVELOPMENT
Department of Agriculture

302 KAR 20:041E. Equine movement.

RELATES TO: KRS Chapter 257
PURSUANT TO: KRS 13.082, Chapter 257
EFFECTIVE: March 15, 1978
EXPIRES: April 14, 1978

NECESSITY AND FUNCTION: To protect the equine industry from spread of Contagious Equine Metritis beyond the borders of the Commonwealth and help prevent other states from enacting unreasonable quarantines against Kentucky's horse population.

Section 1. No movement of thoroughbred mares and stallions or any mare bred to a thoroughbred stallion in 1978, except those intended for racing or exhibition only, will be allowed to move from the Commonwealth of Kentucky except by permit from the Division of Livestock Sanitation, Kentucky Department of Agriculture.

Section 2. This regulation shall be in effect for thirty (30) days effective March 15, 1978.

TOM S. MADDOX, D.V.M., State Veterinarian
THOMAS O. HARRIS, Commissioner
ADOPTED: March 14, 1978
APPROVED: WILLIAM L. SHORT, Secretary
RECEIVED BY LRC: March 15, 1978 at 4:45 p.m.

JULIAN M. CARROLL, GOVERNOR
Executive Order 78-173
March 6, 1978

EMERGENCY REGULATION
Department of Education
Bureau of Pupil Personnel Services

WHEREAS, expeditious action is required so that the school crisis caused by this winter's record-breaking cold temperatures coupled with unprecedented accumulations of snow and ice can be dealt with; and

WHEREAS, the Department of Education has determined and finds that an emergency exists and that there is an immediate necessity to adopt a regulation to maximize the availability of classroom work notwithstanding the necessity of closing schools because of the severe winter weather; and

WHEREAS, the State Board of Education, in conjunction with the Superintendent of Public Instruction, pursuant to Kentucky Revised Statutes 13.082 and 156.070, et seq., has promulgated the regulation hereinabove referenced;

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the State Board of Education and the Superintendent of Public Instruction that an emergency exists and direct that the attached regulation become effective immediately upon being filed in the Office of the Legislative Research Commission.

JULIAN M. CARROLL, Governor
 DREXELL R. DAVIS, Secretary of State

EDUCATION AND ARTS CABINET
Department of Education
Bureau of Pupil Personnel Services

702 KAR 3:151E. School calendar amendments; make-up and disaster days.

RELATES TO: KRS 158.060, 158.070, 157.420(1)(2)

PURSUANT TO KRS 13.082, 156.070, 156.130

EFFECTIVE: March 8, 1978

EXPIRES: July 6, 1978

NECESSITY AND FUNCTION: To authorize local boards of education to implement the emergency measure taken by the State Board for Elementary and Secondary Education for the school year 1978 to maximize the availability of classroom work notwithstanding the necessity of closing schools because of the inclement weather of calamity proportions.

Section 1. Notwithstanding any other regulations of the State Board for Elementary and Secondary Education, the following procedures are permissible for the fiscal year 1978:

(1) The Superintendent of Public Instruction is hereby authorized to approve teaching on Saturdays to make up days that schools have been closed because of inclement weather.

(2) Local school districts are authorized to increase actual school work from a minimum of six (6) hours per day

to a minimum of seven (7) hours and twelve (12) minutes provided that the daily session, including recesses and intermissions shall not thereby exceed nine (9) hours. Five (5) days of such increases shall constitute one (1) make-up day.

(3) The Superintendent of Public Instruction is hereby authorized to approve on behalf of the State Board for Elementary and Secondary Education up to five (5) disaster days in each local district upon approval of an amended school calendar.

(4) The local disaster days approved by the Superintendent of Public Instruction, upon request of the local boards may be treated as days in which services were rendered for the purpose of calculating the school months and the payment of teachers salaries.

(5) The Superintendent of Public Instruction is hereby authorized to approve school calendar amendments in conformity with this regulation.

JAMES B. GRAHAM
 Superintendent of Public Instruction

ADOPTED: March 1, 1978

RECEIVED BY LRC: March 8, 1978

JULIAN M. CARROLL, GOVERNOR
Executive Order 78-188
March 10, 1978

EMERGENCY REGULATION
Public Service Commission

WHEREAS, the prolonged nationwide strike of United Mine Workers has created serious shortages of fossil fuels available to electric generating utilities operating in the Commonwealth of Kentucky; and

WHEREAS, even though the President of the United States has invoked provisions of the Taft-Hartley Act enjoining the continuation of this strike, significant stockpiles of coal will not become available to electric utilities until some time in the future; and

WHEREAS, the inability of electric utilities to generate sufficient electricity due to fuel shortages will cause severe economic and social disruption affecting all citizens of the Commonwealth; and

WHEREAS, the Public Service Commission, pursuant to KRS 278.040, has promulgated an emergency regulation which would require the electric utilities to curtail service in a way that would protect the highest priorities of electrical usage for as long as possible:

NOW, THEREFORE, I, JULIAN M. CARROLL, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by KRS 13.085(2), hereby acknowledge the finding of the Public Service Commission that an emergency exists, and direct that the attached regulation become effective immediately upon being filed in the Office of the Legislative Research Commission.

JULIAN M. CARROLL, Governor
 DREXELL R. DAVIS, Secretary of State

**PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission**

807 KAR 2:053E. Curtailment of electricity usage.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.085, 278.040(2)

EFFECTIVE: March 13, 1978

EXPIRES: July 11, 1978

NECESSITY AND FUNCTION: KRS 278.040(2) provides that the Public Service Commission shall have exclusive jurisdiction over the service provided by all non-municipal electric utilities operating within the state. The current shortage of fossil fuels available to those electric generating utilities has created a shortage in the supply of electricity available to consumers throughout the state. This regulation provides an orderly method of curtailing electrical usage on the basis of priority of need to enable the electric utilities to extend their limited fuel supplies as far as possible.

Section 1. Classification of Electric Service For Mandatory Curtailment. For purposes of mandatory curtailment of electricity, the utility shall classify its customers in accordance with the following special priorities of electric service:

(1) Priority I. Essential services: Electricity required for essential community services relating to basic health, safety, and welfare, including:

(a) Hospitals, medical clinics, nursing homes, elderly care facilities, child care facilities (except kindergartens), and individual residential services essential for health (such as is received for kidney dialysis, respirators, or other life support equipment);

(b) Community health services: Drinking water pumping and treatment plants, sewage treatment plants, garbage disposal facilities where electricity is essential;

(c) Community protection services: Police and fire stations, National Guard and military facilities for emergency shelter, Salvation Army or other nonprofit or public shelter facilities;

(d) Energy production conversion, transmission and distribution, refineries, coal mines, electric and gas company equipment, bulk heating oil and bottled gas facilities and distribution facilities.

(2) Priority II. Community services:

(a) Communications facilities: Radio and television broadcasting equipment, telephone switching equipment, newspaper production equipment;

(b) Transportation facilities: Airport, railroad, bus operating facilities and equipment, and automobile service stations;

(c) Fresh food production, processing, storage and distribution: Breadstuff, fresh dairy products, meat/poultry/ fish production, processing and storage equipment;

(d) Governmental services: Other municipal, county, state or federal facilities recommended by the chief executive officer of the unit of government and so classified by the utility, subject to disapproval by the Public Service Commission;

(e) Other facilities and/or equipment necessary for minimum community health or safety as determined by the utility and approved by the Public Service Commission.

(3) Priority III. Residential service: Electric service to residential customers, including primary dwelling

residences, mobile homes, apartments, condominiums, hotels, motels, rooming houses, educational institution residence halls, (unless the educational institution is permanently or temporarily closed), governmental detention facilities.

(4) Priority IV. Commercial service: Electric service to or for commercial facilities or customers, except those included in Priority I, II and III.

(5) Priority V. Industrial service: Electric service to or for industrial facilities customers, except those included in Priority I and II.

(6) Priority VI. Nonessential service: Dispensable electric service to or for essential services (Priority I), community services (Priority II), residential (Priority III), commercial (Priority IV), and industrial (Priority V), customers and facilities, except for minimum electricity to protect and maintain the equipment or buildings of dispensable use facilities or customers, including:

(a) Highway, street, security, or public area flood lighting except at the minimum level necessary for the safety and security of persons and property as recommended by the chief executive officer of the governmental subdivision involved;

(b) Parking lot flood lighting greater than the minimum required for the safety of members of the public;

(c) Outdoor advertising except for the minimum illumination or sign sufficient for identifying commercial facilities operating after dark;

(d) Indoor or outdoor commercial (Priority IV) or industrial (Priority V) show window, show room, or display lighting;

(e) Elevators or escalators in commercial or industrial facilities except as required for safety purposes;

(f) Electricity use greater than is necessary for essential services (Priority I), community services (Priority II), residential service (Priority III), commercial service (Priority IV), or industrial service (Priority V), facilities to maintain adequate general lighting and temperatures for living and working space during business hours at no more than sixty-five (65) degrees Fahrenheit by use of heating equipment and no less than seventy-eight (78) degrees Fahrenheit by use of cooling equipment; residential (Priority III) water heater temperatures no greater than 120 degrees Fahrenheit, and commercial (Priority IV) and Industrial (Priority V) water heater or cooling equipment temperatures no greater than the minimum required for the commercial or industrial processes for which such heating or cooling is necessary;

(g) Electricity use greater than is the minimum required for lighting, heating, or cooling of community service (Priority II), commercial service (Priority IV), or industrial service (Priority V), facilities for maintenance, cleaning, or business related activities during nonbusiness hours.

Section 2. Curtailment Procedures. (1) Phase one. When the utility's primary fuel supply (stock on hand plus assured deliveries) will permit only thirty-three (33) days of continued operation at its then current load level, the utility will give public notice by means reasonably calculated to inform its customers that three (3) days hence it will reduce its load by at least twenty-five (25) percent.

(2) Three (3) days thereafter, unless postponed by the utility by reason of material improvement in its primary fuel supply or reduction of system consumption and public notice given, the utility will reduce its system load by twenty-five (25) percent of KWH distributed in the following fashion:

- (a) Terminate all economic dispatch.
- (b) Curtail Priority VI by 100 percent.
- (c) Curtail Priority V, IV, III, and II service twenty-five (25) percent of those customers' base period allotments (this twenty-five (25) percent curtailment shall include curtailments under paragraph (b)).

(d) Curtail Priority I service ten (10) percent of those customers' base period allotment.

(e) In addition to curtailments imposed on the utility, it will reduce its consumption of electricity for general lighting, heating, or cooling to the minimum required for functional use of the facilities.

(3) Phase two. When the utility's primary fuel supply will permit only twenty-three (23) days of continued operation at its then current load level, the utility will give public notice by means reasonably calculated to inform its customers that three (3) days hence it will further reduce its load.

(4) Three (3) days thereafter, unless postponed by the utility by reason of material improvement in its primary fuel supply or reduction of system consumption and public notice given thereof, the utility will further reduce its system load in the following manner:

(a) All previous curtailment measures will continue.

(b) Priority V and IV curtailment will be increased to fifty (50) percent of their base period allotment.

(5) Phase three. When the utility's primary fuel supply will permit only thirteen (13) days of continued operation at its then current load level, the utility will give public notice by means calculated to inform its customers that three (3) days hence it will further reduce its load.

(6) Phase four. Three (3) days thereafter, unless postponed by the utility by reason of material improvement in its primary fuel supply or reduction of system consumption and public notice given, the utility will reduce its system load in the following manner:

(a) All previous curtailment levels will be continued.

(b) Priority V and IV curtailment will be increased to 100 percent of their base period allotments except for plant protection not to exceed ten (10) percent of their base period allotment.

(c) Priority II and III curtailment of twenty-five (25) percent will be increased to thirty (30) percent of their base period allotment.

(d) When mandatory curtailment under subsection (6) is imposed, and for the remainder of mandatory curtailment levels at or higher than that stage, upon public notice by means reasonably calculated to inform its customers, the utility may employ for not more than two (2) hours' duration for any one (1) term during a twenty-four (24) hour period, selective territorial short term service interruptions by operation of distribution switching equipment on an equitable rotational basis to effect the mandated curtailment levels.

(7) The utility will continue service at the curtailment levels of subsection (6) until its primary fuel supply will permit operation at its curtailed load level for no longer than three (3) days, whereupon it may initiate emergency generation shut-down procedures.

Section 3. Enforcement Procedures. Curtailment levels shall be policed and enforced by the utility as follows:

(1) Under the curtailment procedures herein, the utility will deliver electricity to its customers only in quantities in the above-specified percentages for their base period allotments as follows:

(a) The base period allotment will be the customer's average billing month usage based upon the three (3)

month period in the prior twelve (12) months which corresponds to the billing month in which initial curtailment occurs and the immediately preceding and succeeding billing months.

(b) Appropriate adjustments shall be made by the utility for customers with changed electricity use circumstances which have caused the prior year's electricity consumption during the base period to be materially non-representative of usage during the curtailment period.

(c) Base period allotments from the utility shall be computed and may be consumed by customers without including any alternative electric power customers may obtain for themselves.

(2) At the time of its initial public notice of proposed curtailment, the utility shall inform its Priority I, II, IV and V customers of their base period allotments, and with each public notice of proposed curtailment, the utility shall inform the affected customers of the percentage their base period allotment will be curtailed.

(3) Industrial and commercial customers failing to comply with the specified curtailment levels applicable to them will be penalized as follows:

(a) Electricity consumption in excess of applicable curtailment levels will be subject to a penalty charge of ten (10) cents per KWH in addition to the normal billing charge.

(b) Priority IV and V customers of 500 KV demand and above who fail or refuse to comply with applicable curtailment restrictions shall be disconnected for the duration of the mandatory curtailment period. The utility will warn said customers at the end of each work week following imposition of curtailments herein of weekly consumption by them at a rate in excess of their curtailment levels that unless satisfactory arrangements designed to reduce their consumption to their curtailment levels are made, they will be subject to summary disconnection. The utility shall disconnect those customers for the remainder of the curtailment period who have exceeded their curtailment levels during two (2) of the preceding three (3) week periods.

(c) Priority VI service which has been curtailed shall be summarily disconnected by the utility where feasible upon discovery of any violation, and notice of such violation given to the utility by any governmental official shall be acted upon by the utility summarily with notice to be given the affected customer after disconnection.

(4) Penalty charges collected under subsection (3) shall be segregated in a separate account by the utility and shall be applied in the next billing period to reduce pro rata the fuel adjustment charges of customers who, during their curtailment periods, have not exceeded their mandatory curtailment limitations.

Section 4. Special Relief. (1) Any customer of a utility aggrieved by an action of the utility under this regulation must first apply to the utility for special relief. If the utility denies the customer's requested relief, it must do so in writing stating its grounds. The customer may appeal this decision to the Public Service Commission of Kentucky. Such appeal shall be in writing and shall contain a brief and concise statement of the grounds for and nature of relief requested and a copy of the utility's decision. All such appeals must be addressed to: Public Service Commission of Kentucky, Office of the General Counsel, Post Office Box 615, 730 Schenkel Lane, Frankfort, Kentucky 40602.

(2) Appeals not presenting disputes of fact may be disposed of without an evidentiary hearing. The commis-

sion shall notify the parties and may hold an evidentiary hearing on the appeal promptly. The commission shall designate special hearing officers to hear all such appeals for special relief and an official record shall be taken. Based on this record, the hearing officer shall prepare a recommended order which shall be acted upon promptly by the commission. Appeals from the commission's final order may be taken in the Franklin Circuit Court pursuant to the provisions set forth in KRS 278.410.

(3) In every appeal for special relief the burden of proof shall be on the customer requesting such relief. Applicants for special relief and the utility may appeal personally or by counsel.

Section 5. Information to be Reported. (1) Beginning with the effective date of this regulation, the utility will report to the commission weekly as specified:

(a) Coal supplies:

1. Starting inventory;
2. Coal deliveries during week;
3. Coal burn during week;
4. Ending inventory for week;
5. Projected deliveries for next week.

(b) Alternate fuel:

1. Starting inventory;
2. Type;
3. Amount burned;
4. Ending inventory for week;
5. Deliveries during week;
6. Projected deliveries for next week.

(c) System load:

1. KWH produced;
2. KWH purchased;
3. KWH produced previous week;
4. Percentage of system production capabilities utilized to produce subparagraph 1. above;
5. Projected production for upcoming week;
6. Customer generation in KWH capability.

(d) Customers violating curtailment requirements and action taken to eliminate same.

(2) Reporting procedure:

(a) Reports will be submitted in writing to the Kentucky Public Service Commission by 3 p.m., each Monday for the prior seven (7) day period ending Saturday at midnight.

(b) Reports will be submitted to: Engineering Division, Kentucky Public Service Commission, Post Office Box 615, 730 Schenkel Lane, Frankfort, Kentucky 40602.

(3) The utility shall notify the Public Service Commission in advance of its public notices of curtailments and postponements under Section 2 and reinstatement of service under Section 6(3).

(4) Three (3) days after the effective date of this regulation the utility shall report to the Public Service Commission its method for computing its remaining days of continued operation in terms of days of burn.

(5) The initial report shall contain data for the preceding week.

Section 6. Miscellaneous. (1) The terms and provisions herein shall be applicable and controlling during the mandatory curtailment period notwithstanding any conflicting terms and provisions of any filed tariffs, rate schedules, rules and regulations of the utility or any contract or agreement between the utility and any customer, subject only to specific orders of the commission overriding determinations by the utility where such determinations are committed to utility discretion by this regulation.

(2) The utility may order summarily emergency electric service curtailment (without notice) of all or any portion of its system without regard to the priority of service or base period allotments herein when, because of actual or imminent loss of interchange power, generation or transmission capability, in its judgment such emergency curtailment is necessary to forestall imminent and irreparable injury to life, property or its electric system. Such emergency curtailment shall not exceed seventy-two (72) consecutive hours without approval of the Public Service Commission.

(3) Reduction, postponement or elimination of the curtailment restrictions imposed hereunder may be effected by the utility in reverse order in which imposed including appropriate advance notice to customers, when in its judgment its current and future supply of primary fuels and/or electricity is adequate to restore service to curtailed customers.

RICHARD S. TAYLOR, Chairman

ADOPTED: March 2, 1978

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: March 13, 1978 at 3:30 p.m.

Proposed Amendments

OFFICE OF THE SECRETARY OF THE CABINET Board of Claims (Proposed Amendment)

108 KAR 1:010. Board operation and claim procedure.

RELATES TO: KRS 44.070, 44.080, 44.086, 44.090

PURSUANT TO: KRS 13.082, 44.080

NECESSITY AND FUNCTION: KRS 44.080 requires the Board of Claims to establish rules for its government and for the regulation of the method of pleading and practice before it. The purpose of this regulation is to establish rules for procedures for claims and rules for operation of the board.

Section 1. Meetings. (1) Additional meetings of the board may be called by the chairman or a majority of the board at such times and places as the call directs.

(2) Three (3) members of the board shall constitute a quorum.

(3) The board shall be considered in continuous session to enter orders.

(4) The Executive Director of the Board of Claims shall serve as secretary to the board and shall have authority to order the submission of briefs, set hearings, and issue such other orders as the board may direct.

Section 2. Filing of Claims; Response to Claims. (1) Claims shall be legibly written, typed or printed and mailed or delivered to the Board of Claims office in Frankfort, Kentucky.

(2) Each claim shall contain the name and address of the claimant, the amount he is claiming and a statement of facts sufficiently clear to show that the claimant is entitled to relief under the provisions of KRS 44.070 and to enable the defendant to investigate the claim and prepare its defense.

(3) Claims may be filed by the claimant or by an attorney or legal representative acting in the claimant's behalf.

(4) The board's secretary shall promptly furnish a copy of each claim to the head of the affected agency and to the Attorney General. Within thirty (30) days, the agency concerned shall investigate the matter and shall answer the charges in writing to the board and to the claimant.

(5) If the Attorney General wishes to enter the matter, he shall file such response as he desires with the board.

(6) If the response filed by the affected agency admits liability, the secretary shall submit the matter to the board at an early meeting.

(7) If the affected agency fails to respond to the board concerning its investigation within thirty (30) days, the secretary shall submit the matter to the board at an early meeting.

(8) If the response filed by the affected agency denies liability, the secretary shall set a hearing before a hearing officer and shall notify the claimant and the head of the affected agency (or their attorney) of the time and place of the hearing.

Section 3. Hearings. (1) Hearings shall be open to the public. The proceedings of hearings shall be taken by a stenographer. The hearing officer shall cause the hearing to be conducted with decorum.

(2) The proof required to support a claim shall be that required to support a claim in any court of competent jurisdiction.

(3) All testimony and proof shall be presented at the hearing before the hearing officer, or within thirty (30) days thereafter by deposition, with the exception of medical or expert testimony.

(4) If either party desires to submit medical or expert testimony by deposition, that party shall be allowed thirty (30) days after the hearing for that purpose. The second party shall then be allowed thirty (30) days, after which the first party shall be allowed five (5) days for rebuttal, unless otherwise ordered by the hearing officer.

(5) If the claimant fails to appear at a scheduled hearing of which he has notice and fails to show good cause within five (5) days for failure to appear, the board may order the claim dismissed. If the affected state agency fails to appear at the hearing, the hearing officer in his discretion may take the testimony of any witnesses present.

(6) The hearing officer shall furnish a finding of fact to the board within thirty (30) days after the record is completed.

Section 4. Board Decision. (1) Each claim shall be submitted to the board at an early meeting following the hearing officer's report.

(2) The board, or a majority of its members, shall render a decision on each claim at a board meeting.

Section 5. Exchange of Facts by Parties to Contested Claims. All discovery procedures as outlined in the Kentucky Rules of Civil Procedure are applicable to proceedings before the board, except that a party shall not take a deposition for discovery without prior approval by the board. Further, any party may request admissions of fact. If a party fails to admit a requested fact which is later established, that party shall be responsible for all costs necessary to establishing the fact.

JACK L. MILLER, Chairman

ADOPTED: February 1, 1978

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED: March 6, 1978

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Cattie Lou Miller, Executive Director, Board of
Claims, 113 E. Third Street, Frankfort, Kentucky 40601.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION**
Division of Occupations and Professions
Board of Accountancy
(Proposed Amendment)

201 KAR 1:090. Practice by non-residents.

RELATES TO: KRS 325.390

PURSUANT TO: KRS 325.240

NECESSITY AND FUNCTION: To promulgate administrative regulations of the State Board of Accountancy of Kentucky. This regulation pertains to practice by non-residents.

Section 1. Application for temporary permits as required by KRS 325.390(2) shall be submitted on a form as prescribed by the board. *A resident of Kentucky may not obtain a permit to practice under this regulation.*

Section 2. Included in the application shall be a statement of the applicant, or if it is a partnership or corporation, by a partner or shareholder of the applicant[s] certifying that all engagements to be performed in Kentucky during the period for which the temporary permit is requested were obtained and shall be conducted in compliance with the rules of professional conduct promulgated by the board. [, specifying the specific engagement or engagements to be performed during the period for which the temporary permit is requested. A resident of Kentucky may not obtain a permit to practice under these regulations. Such statement shall also certify that such engagements were obtained and shall be conducted in compliance with the rules of professional conduct promulgated by the board.]

Section 3. *Applicant shall also be required to state on the application in affidavit form that applicant is a certified public accountant firm and include information on their current good standing to practice in their home state.*

Section 4. [3.] The fee for submitting an application for temporary permit shall be fifty dollars (\$50).

BERNARD W. GRATZER, Executive Secretary
ADOPTED: February 10, 1978

APPROVED: RUSSELL MCCLURE, Secretary
RECEIVED BY LRC: March 9, 1978 at 10:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Bernard W. Gratzner, Executive Secretary, Kentucky State Board of Accountancy, 310 W. Liberty Street, Suite 703, Louisville, Kentucky 40601

CABINET FOR DEVELOPMENT
Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 2:045. Upland game birds, furbearers and small game; seasons, limits.

RELATES TO: KRS 150.300, 150.305, 150.330, 150.340, 150.360, 150.365, 150.370, 150.390, 150.400

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the hunting season, bag and possession limits for upland game birds and animals and trapping season for furbearers. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for the purpose of furnishing sport, and recreation for present and future residents of the state. The function of this regulation is to provide for the prudent taking of upland game birds, animals and furbearers within reasonable limits based upon an adequate supply. *This amendment is necessary to change the season dates, open additional game management areas to small game hunting during the deer gun season and inform resident landowners and tenants of changes in the trapping license requirements.*

Section 1. Closing of Small Game Season During the [December 3 through 5] Statewide Deer Gun Season, and Exceptions. (1) The entire state will be closed to hunting and trapping for furbearers and all game species except waterfowl, rails, gallinules, woodcock, and snipe during the [December 3 through 5] statewide deer gun season, except the following areas where hunting and trapping will be allowed:

(a) West Kentucky Wildlife Management Area in McCracken County.

(b) Higginson-Henry Wildlife Management Area in Trigg and Lyon Counties.

(c) Land Between the Lakes Wildlife Management Area in Trigg and Lyon Counties.

(d) Fort Knox Wildlife Management Area in Hardin, Meade and Bullitt Counties.

(e) Fort Campbell Wildlife Management Area in Christian and Trigg Counties.

(f) Yellowbank Wildlife Management Area in Breckinridge County.

(g) Kleber Wildlife Management Area in Owen County.

(h) Clay Wildlife Management Area in Nicholas County.

(2) Falconry hunting will be permitted during the [December 3 through December 5] statewide deer gun season.

Section 2. Hunting and Trapping Seasons. See Section 1 for Exceptions and Closures. (1) Squirrel: opens third Saturday in August [(20th)], continues through October 31. Opens again on the third Thursday in November [(17th)], continues through December 31 [, 1977].

(2) Rabbits: opens third Thursday in November [(17th)], continues through January 31 [, 1978].

(3) Quail (Bobwhite): opens third Thursday in November [(17th)], continues through the last day in February [28, 1978].

(4) Grouse: opens third Thursday in November [(17th)], continues through the last day in February [28, 1978].

(5) Furbearers: opens third Thursday in November [(17th)], continues through January 31 [, 1978]. Includes mink, muskrat, beaver, opossum, red fox, raccoon, weasel

and [striped] skunk. The bobcat *is* [and spotted skunk are] protected year around and may not be trapped or killed.

(6) Taking Raccoon and Opossum: Raccoon and opossum may not be taken from a vehicle or boat with the aid of artificial light at any time or any place except by trapping.

(7) Falconry Hunting: the wildlife listed in this section may be pursued and taken by a licensed falconer with any legal hunting raptor from November 1 through the last hunting date listed for each species. [Closing of hunting during the statewide deer gun season does not apply to hunting with raptors.]

Section 3. Bag and Possession Limits. Possession limit applies to transporting after two (2) or more days shooting but does not permit double bag limit to be taken or possessed in the field.

Game	Bag Limits	Possession Limits
Squirrel	6	12
Rabbit	6	12
Quail (Bobwhite)	10	20
Grouse or native pheasant	4	8
Furbearers (except raccoon by means other than trapping)	No Limits	No Limits
Raccoon (by means other than trapping)	1*	No Limits**

* One (1) per hunter, with no more than three (3) per party of three (3) or more hunters while hunting.

** No possession limit on raccoons, except that no hunter or party of hunters shall possess no more than the daily bag limit while hunting in the field.

Section 4. Trapping Licenses. The following trapping licenses are required:

(1) Resident landowner or tenant trapping license: This license authorizes either the landowner or his dependent children to take wild animals by trapping upon their farmlands. Either the tenant or his dependent children residing upon the owner's lands have the same privilege. This license becomes effective on January 1, 1979.

(2) Resident statewide trapping license: This license authorizes the holder thereof to take wild animals by trapping upon his lands or lands of another person with written consent of the landowner.

(3) Nonresident statewide trapping license: This license authorizes the holder thereof to take wild animals by trapping upon his lands or lands of another person with written consent of the landowner.

Section 5. [4.] Shooting hours. Shooting hours on the above species shall be from one-half (½) hour before sunrise to one-half (½) hour after sunset, except for raccoon and opossum which may be taken at any time during day or night.

Section 6. [5.] Squirrel Hunting Weapons. No person while in the act of hunting squirrels, may use or possess a breech-loading rifle of .240 caliber or larger, or a shotgun with slugs or buckshot. Squirrels may be taken with any type of muzzle-loading weapon.

Section 7. [6.] Prohibited Ammunition. No person while in the act of hunting any of the game species listed in

this regulation may have in his or her possession any buckshot or shotgun slugs.

DR. J. C. SALATE, Chairman
ARNOLD L. MITCHELL, Commissioner

ADOPTED: March 6, 1978

APPROVED: WILLIAM SHORT, Secretary

RECEIVED BY LRC: March 14, 1978 at 4:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: The Commissioner, Department of Fish and Wildlife Resources, 592 East Main Street, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET

Department for Elementary and Secondary Education
Bureau of Instruction
(Proposed Amendment)

704 KAR 10:022. Elementary, middle and secondary school standards.

RELATES TO: KRS 156.160

PURSUANT TO: KRS 13.082, 156.070, 156.130 and Executive Order 77-453.

NECESSITY AND FUNCTION: To establish general standards to be used in evaluation of elementary, middle and secondary schools [.] and merit ratings for such schools.

Section 1. Pursuant to the authority vested in the Kentucky State Board [of] for Elementary and Secondary Education by KRS 156.070 and 156.160, the Kentucky standards for grading, classifying and accrediting elementary, middle and secondary schools are presented herewith for filing with the Legislative Research Commission, and incorporated by reference.

Section 2. The "Merit Rating Procedural Information and General Criteria for Library/Media Programs" in elementary, middle and secondary schools and "Merit Rating for Kentucky High Schools" are presented herewith for filing with the Legislative Research Commission and incorporated by reference.

JAMES B. GRAHAM,
Superintendent of Public Instruction

ADOPTED: January 10, 1978

RECEIVED BY LRC: February 24, 1978 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Mr. Fred Schultz, Secretary, State Board for Elementary and Secondary Education, 17th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Education
State Board for Occupational Education
(Proposed Amendment)

705 KAR 1:020. Occupational appeals officer.

RELATES TO: KRS 156.070(3), 163.020 to 163.470

PURSUANT TO: KRS 13.082, 156.070(3), 163.050(3), 163.140

NECESSITY AND FUNCTION: The State Board for Occupational Education finds it [to be] necessary to promulgate regulations providing for appeal from a suspension or expulsion order.

Section 1. There is hereby established within the Department of Education the occupational [and vocational] appeals officer. The appeals officer shall be the Deputy Superintendent for Occupational Education or his designee.

Section 2. [The appeals officer shall hear all appeals involving the suspension or expulsion of vocational students.] *An applicant or a student of vocational education services who is dissatisfied with the decision of a vocational regional hearing process may appeal to the occupational appeals officer concerning decisions of enrollment, suspension, or expulsion of vocational students who are attending any program subject to the control of the State Board for Occupational Education.*

Section 3. [The appeal shall be perfected by filing a notice of appeal within twenty (20) days after notice of entry of the order or administrative action from which the appeal is taken.] *The student or applicant shall have twenty (20) school days from the date of the regional hearing in which to file a notice of appeal with the Secretary of the State Board for Occupational Education. The notice of appeal shall designate the administrative action or order from which the appeal is taken.*

Section 4. The administrative agency from which the appeal has been taken shall file the complete record of all action including any official transcript with the Secretary of the State Board for Occupational Education.

Section 5. The hearing officer shall notify the parties within ten (10) *school* days after the filing of the appeal of the date, time, and place of the hearing. The hearing shall be set within twenty (20) *school* days after the date of the notice, unless the parties mutually agree to another time.

Section 6. The hearing shall be conducted by the Deputy Superintendent for Occupational Education or his designee and he shall not be bound by formal rules of evidence.

Section 7. The appellant shall have the burden of proof at the hearing and shall introduce proof in support of the appeal as the first order of proof. The appellee shall then submit its proof. The appellant may then submit rebuttal proof. All witnesses shall be subject to cross-examination.

Section 8. The appeals officer shall then hear oral arguments or may request written briefs allowing a reasonable time for the submission thereof.

Section 9. The hearing shall be transcribed by an official court reporter.

Section 10. The hearing officer shall make findings of fact, conclusions of law, and recommendations to the State Board for Occupational Education at its next regular or special meeting. *The State Board for Occupational Education shall within thirty (30) school days of receipt thereof make a final determination of the case.*

JAMES B. GRAHAM

Superintendent of Public Instruction

ADOPTED: March 6, 1978

RECEIVED BY LRC: March 8, 1978 at 2 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
 TO: Secretary, State Board for Occupational Education,
 17th Floor, Capital Plaza Office Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:016. Construction industry standards.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Consistent with this authority, the following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance. The Occupational Safety and Health Standards Board hereby adopt the following regulation applicable to the construction industry.

Section 1. Confined Spaces. Definitions: A confined space is a space having limited means of ingress and/or egress and so enclosed that adequate dilution ventilation cannot be obtained by natural air movement, or mechanically induced movement. In order to be a confined space for purposes of this standard, a space must be subject to the accumulation of toxic, combustible, or corrosive agents, or to a deficiency of oxygen. Any of the following, among others, may be a confined space if it meets the criteria set forth in the definition above.

(1) Storage tanks, tank cars, process vessels, bins, trailers and other tank-like compartments usually with one or more manholes for entry.

(2) Open-topped spaces of more than four (4) feet in depth such as bins, silos, pits, vats, tubs, vaults, vessels or floating roof storage tanks.

(3) Ventilation or exhaust ducts, manholes, sewers, underground utility tunnels, pipelines and similar structures.

(4) Ovens, furnaces, kilns and similar structures.

Section 2. Confined Space Entry; Non-utility Operations: Except as provided in Section 3, entry into a confined space shall not be made unless the following procedures have been accomplished:

(1) Insure that all lines containing harmful agents, e.g., supply, discharge, overflow, vent, drain or similar connections entering the space are physically separated or blocked by means of blinds or other devices, capable of insuring complete closure.

(2) Fixed mechanical devices and/or equipment which utilize electric, air or hydraulic power shall be placed in zero mechanical state by disconnecting. Electrical service equipment, excluding lighting, shall be padlocked or tagged.

(3) The internal atmosphere shall be tested for combustible gas, toxics and corrosives where there is reason to suspect their presence and, except when adequate natural air movement or adequate continuous forced ventilation is provided, the atmosphere shall also be tested for oxygen deficiency.

(4) Ventilation:

(a) If the tests made in accordance with subsection (3) above indicate that the atmosphere is unsafe, before any employee is permitted to enter the confined space, the space shall be ventilated until the concentration of hazardous substance is reduced to a safe level or removed, and ventilation shall be continued as long as recurrence of the hazard is probable.

(b) As an alternative to ventilation or if ventilation does not adequately reduce or remove the hazardous substance, an employee may enter a confined space only if that employee wears a supplied air respirator, approved by NIOSH for that purpose. If the employee utilizes a self-contained respirator, sufficient primary air capacity shall be available as well as reserve capacity to perform the task inside the confined space. Under no circumstances shall the wearer of the respirator be permitted to remain in the confined space when the primary air system is depleted or is being replaced. The reserve air supply shall be used only in the event of an emergency.

(5) No employee shall enter a confined space unless:

(a) Provisions have been made for constant communication with an employee in the immediate vicinity not in the confined space; and

(b) Provision has been made for adequate rescue procedure including rescue equipment specifically designed for rescue from the confined space in which work is being performed; and

(c) The employees working inside and outside the confined space have been adequately trained in rescue procedures; the training having been renewed at least yearly.

(6) An employee entering a confined space for rescue shall wear a respirator that meets NIOSH certification and shall have sufficient capacity to effect the rescue from the confined space.

(7) Lighting:

(a) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(b) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices shall have insulation equal to that of the electrical cord.

(c) Working spaces, walkways, and similar locations shall be kept clear of cords so as not to create a hazard to employees.

(d) Portable electric lighting used in moist and/or other hazardous locations, as, for example, drums, tanks, and vessels, shall be operated at a maximum of twelve (12) volts.

Section 3. Emergency Confined Space Entry: (1) Definition. "Emergency" is a sudden unexpected condition requiring immediate action.

(2) The employer shall establish a written procedure covering confined space entry under emergency conditions. The emergency may exclude Section 2 (1), (3) and (4)(a).

Section 4. Confined Space Entry; Utility Operations Including Gas, Water and Sewage: (For Electric Utility Operations See 1926.956(b). For Tele-Communication Utility Operations See 1910.268(o).)

(1) When work by a gas, water, or sewage utility is performed in a manhole, unvented vault, tunnel, pit, pipe or pipeline, the following steps shall be taken before an employee enters:

(a) The internal atmosphere shall be tested for combustible gas, toxics and corrosives where there is reason to suspect their presence and, except when adequate natural air movement or adequate continuous forced ventilation is provided, the atmosphere shall also be tested for oxygen deficiency.

(b) When unsafe conditions are detected by testing or other means, the work area shall be adequately ventilated and otherwise made safe before entry.

(2) An adequate continuous supply of air shall be provided while work is performed under any of the following conditions:

(a) Where combustible or explosive gas vapors have been initially detected and subsequently reduced to a safe level by ventilation;

(b) Where organic solvents are used in the work procedures;

(c) Where open flame torches are used in the work procedures;

(d) Where the manhole is located in that portion of a public right of way open to vehicular traffic and/or exposed to a seepage of gas or gases; or

(e) Where a toxic gas or oxygen deficiency is found.

(3) An employee with basic first-aid and rescue training shall be available in the immediate vicinity to render emergency assistance as may be required. The employee whose presence is required in the immediate vicinity for the purposes of rendering emergency assistance is not to be precluded from occasionally entering to provide assistance other than in an emergency. The requirement of this paragraph does not preclude a qualified employee, working alone, from entering for brief periods of time for the purpose of inspection, housekeeping, taking readings, or similar work if testing for oxygen deficiency, combustible gas and suspected toxic substances has been performed.

(4) Ladders or other safe means shall be used to enter and exit manholes exceeding four (4) feet in depth.

(5) When open flames are used, the following precautions shall be taken to protect against the accumulation of combustible gas:

(a) A test for combustible gas shall be made immediately before using the open flame device, and at least once per hour while using the devices; and

(b) A fuel tank (e.g. acetylene) may not be in the manhole unless in actual use.

Section 5. This regulation shall not pre-empt any specific applicable standard; and shall not preclude any specific applicable standard now in effect.

Section 6. Safety and Testing of Supply Lines in Excess of 600 Volts. (1) Definitions:

(a) Disconnected: Means disconnected from any electrical source of supply.

(b) Guarded: Protected by personnel, covered, fenced, or enclosed by means of suitable castings, barrier, rails, screens, mats, platforms, or other suitable devices in accordance with standard barricading techniques designed to prevent dangerous approach or contact by persons or objects. (Note: Wires, which are insulated but not otherwise protected, are not considered as guarded.)

(c) Hold cards: (Also called "hold tags.") A card or tag-type device, usually having a predominant color of white or red which warns against or which cautions against the operation of a particular switch, device, circuit, tool, machine, etc.

(d) Near: A distance no closer than that shown in the table in subsection (3)(c) of this section.

(e) Qualified person: A person who, because of experience and training is familiar with the construction and operation of the apparatus or equipment and the hazards involved in the performance of the job.

(2) Purpose:

(a) The intent and purpose of this regulation is to provide and establish safety procedures for testing equipment to protect electrical workers from hazards resulting from exposure to high voltage.

(b) This regulation shall apply to non-utility electrical workers who are engaged in electrical construction and/or maintenance of electrical conductors and equipment rated at 600 volts and above.

(3) Energized conductors and equipment:

(a) Only qualified employees shall work on or near high voltage conductors or equipment.

(b) Personal protective equipment shall be provided by the employer and used by the employee when working on or near energized, ungrounded high voltage conductors or equipment.

(c) No employee shall approach or take any conductive objective, without an approved insulating handle, within the minimum distance specified in the table below, unless the energized part is insulated or guarded from the employee, or the employee is effectively insulated from the live parts. Rubber gloves (sleeves if necessary) rated for the voltage involved shall be considered effective insulation of the employee from the energized part.

Minimum Clear Distance From Live Parts

Voltage Phase to Phase (Kilovolts)	Distance Phase to Employee
0.6 to 34.5	2 Ft.
34.5 to 46	2 ½ Ft.
46 to 69	3 Ft.
69 to 115	3 Ft.-4 ins.
115 to 138	3 Ft.-6 ins.
138 to 169	3 Ft.-8 ins.

(4) De-energized conductor or equipment:

(a) Existing conditions shall be determined before starting work on electrical conductor and/or equipment.

(b) Before any work is performed, all electrical switches, breakers and associated disconnecting devices shall be opened, made inoperable and hold tagged out by the person in charge. Employees shall be trained and thoroughly instructed in the tagging procedure. One (1) qualified person, for example: foreman, general foreman or first class electrician, of each crew shall be responsible for attaching hold tags and/or hold cards to the disconnecting means. When more than one (1) crew is involved in the work, multiple hold tags or hold cards shall be placed in the han-

dle of the disconnecting equipment. The use of such tags must be respected. Equipment or items so tagged must not be activated or used without full and proper authority of a responsible person whose signature appears on the tag.

(c) Conductors shall be short-circuited and grounded wherever possible.

(d) Capacitors may be components of apparatus of the disconnected electrical system. Before employees are allowed to work, the capacitors shall be discharged, short-circuited and grounded.

(e) When de-energizing conductors and equipment and the means of disconnecting from the energy source is not visibly open, a voltage test shall be made before starting work. An operational check shall be made of the voltage tester prior to and following the voltage test to determine reliability of the testing device. The test device must be handled and used while wearing or using approved protective equipment during the test.

(f) All conductors and equipment shall be treated as energized until tested, short-circuited and effectively grounded except when the circuit involved is isolated from all possible sources of energizing voltage from another circuit, induced voltage or back feed.

(g) The voltage condition of de-energized conductors and/or equipment shall be determined with testing equipment designed for the applicable voltage.

(h) Upon completion of work on de-energized conductors and equipment, the person responsible shall ascertain that all employees under his jurisdiction are clear and that all protective short-circuit and grounding lines are removed. The qualified person(s) shall then remove his hold tag(s). Only at this time shall conductors and equipment be re-energized.

Section 7. Roof Guarding. This section shall apply to work performed on open-sided flat roofs, when the edge of the roof is sixteen (16) feet or more above the surrounding ground or adjacent roof level. This standard applies to material handling and the application of roofing material on the integral roof structure. This standard does not apply to the installation of roof planking or decking performed prior to the installation of roofing nor to eaves troughing, exterior down spouts or to the installation of mechanical equipment mounted onto the finished roof.

(1) Employees working at roof edge material handling stations shall be provided with, and required to use, a safety belt and lifeline or protected by guardrails.

(a) When lifelines are used, they shall be rigged to allow movement only to the roof edge.

(b) Lifelines shall not be attached to hoists or unanchored equipment.

(c) Where guardrails are used at bitumen pipe outlets, they shall be positioned so that a minimum of four (4) feet of guardrail extends on both sides of the pipe.

(d) Where guardrails are used at hoisting areas, one (1) section shall be erected on the working side or sides of the hoist, as appropriate.

(e) A removable guard, gate, taut chains or cables shall be placed across the opening between the guardrail sections when actual hoisting is not taking place.

(f) If the guardrails are other than pipe, nominal one and one-half (1 ½) inch diameter, vertical grab handles of sufficient strength shall be provided on each working side of the opening. The center of the handle shall be approximately four (4) feet above working level. The grab handle shall not be less than twelve (12) inches in length and shall be so mounted as to provide three (3) inches clearance from the surface of the guardrail material. (Note: Guardrails

shall meet the requirements as specified in 29 CFR 1926.500(f)(i), as provided by 803 KAR 2:030.)

(2) All openings in the roof shall be covered or provided with a guardrail. Where covers or guardrails are not practical, a warning line shall be erected.

(a) Covers shall be strong enough to bear the load of man and equipment. Roofing materials such as curbs, insulation, etc., are not acceptable covers for roof openings.

(b) All covers which are not secured (nailed, screwed, etc.) to the deck shall be protected by guardrail or a warning line system in accordance with appropriate paragraphs of subsection (3).

(3) The employee shall be protected by use of a warning line system on all roofs where equipment is in use which generally requires an employee to walk backward.

(a) The warning line shall consist of stanchions and light duty rope erected to a minimum of six (6) feet from the roof edge.

(b) The warning line shall be rigged and supported in such a way that its lowest point is no less than thirty-five (35) inches from the deck and its highest point is no greater than forty-five (45) inches from the roof deck, or any similar warning line system which would provide equivalent protection to employees.

(c) The warning line shall be placed or moved as the work progresses in order to provide continuous warning to employees in the work area when they approach within six (6) feet of the roof's edge.

(d) Materials or equipment shall not be stored between the warning line and the roof edge.

(e) Mechanized application equipment shall not be used between the warning line and the roof edge, unless the employee is protected by use of safety belt and lifeline.

(4) Application of materials at the roof edge shall be done by hand while the employee is facing or is parallel to the roof edge and under direct, immediate supervision. The employer shall assure that edge finishing operations are accomplished with a minimum exposure to the roof edge.

JAMES R. YOCOM, Commissioner

ADOPTED: February 23, 1978

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: March 14, 1978 at 11:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Department of Labor, Occupational Safety and Health Program, U.S. 127 South, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor
Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:020. Adoption of 29 CFR Part 1910.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to adopt by reference established

federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry.

Section 1. The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1910, the Occupational Safety and Health Standards, published in the Federal Register June 27, 1974 Edition, Volume 39, Number 125, Government Printing Office, Washington, D.C. 20402. These standards are hereby adopted by reference with the following additions, exceptions, and deletions:

(1) 29 CFR Part 1910.2 shall read as follows: "The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) 29 CFR Part 1910.2 shall read as follows: As used in this part, unless the context clearly requires otherwise:

(a) "Act" means KRS Chapter 338.

(b) "Assistant Secretary of Labor" means the Commissioner of Labor, Commonwealth of Kentucky.

(c) "Employer" means any entity for whom a person is employed except those employers excluded in KRS 338.021.

(d) "Employee" means any person employed except those employees excluded in KRS 338.021.

(e) "Standard" means a standard which requires conditions or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe and healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule."

(f) "National consensus standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.

(g) "Established federal standard" means any operative occupational safety and health standard established by any agency of the United States Government.

(h) An employer, required under these standards to report information to the U. S. Department of Labor, or any subsidiary thereof, shall, instead report such information to the Kentucky Department of Labor, U.S. 127 South, [151 Elkhorn Court] Frankfort, Kentucky 40601.

(3) 29 CFR 1910.13 through 1910.16 relating to ship repairing, shipbuilding, shipbreaking, and longshoring; and 1910.267a relating to pesticides, as well as paragraph (a)(6) in Section 1910.267 which refers to Section 1910.267a, are excluded and deleted in their entirety.

(4) 29 CFR 1910.141(C)(2)(i) shall read as follows:

"(i) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy."

(5) The changes which have been adopted by the U. S. Department of Labor relating to 29 CFR 1910.211, and 1910.217, mechanical power presses, and published in the Federal Register, Volume 39, Number 233, December 3, 1974, a copy of which is attached hereto, are hereby adopted by reference.

(6) The changes and additions which have been adopted by the U. S. Department of Labor relating to Telecommunications which are contained in 29 CFR 1910.67, 1910.70, 1910.183, 1910.189, 1910.190, 1910.268,

1910.274, and 1910.275, published in the Federal Register, Volume 40, Number 59, March 26, 1975, a copy of which is attached hereto, are adopted by reference.

(7) 29 CFR 1910.93q, the Occupational Safety and Health Standard covering Vinyl Chloride which was published in the Federal Register, Volume 39, Number 194, October 4, 1974, a copy of which is attached hereto, is hereby adopted by reference.

(8) 29 CFR 1910.106(d)(2)(iii) of the Federal Register, Volume 39, Number 125, June 27, 1974, shall be amended by adding Table H-12 of the Federal Register, Volume 40, Number 18, page 3982, January 27, 1975, a copy of which is attached hereto, is adopted by reference.

(9) 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:

“(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health.”

“(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and first-aid supplies approved by a consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties, are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees.”

“(c) All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid. First-aid supplies approved by the consulting physician shall be readily available.”

“(d) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.”

(10) Recodification of 29 CFR 1910.93 through 1910.93q as 1910.1000 through 1910.1017 respectively, as published in the Federal Register, Volume 40, Number 103, May 29, 1975, a copy of which is attached hereto, is hereby adopted by reference.

(11) 29 CFR 1910.141(d)(2)(i) of the Federal Register, Volume 40, Number 82, April 28, 1975, amended by deleting the last half of Table J-2, a copy of which is attached hereto, is hereby adopted by reference.

(12) The new standard, adopted by the U. S. Department of Labor relating to Industrial Slings contained in 29 CFR 1910.184, published in the Federal Register, Volume 40, Number 125, June 27, 1975, a copy of which is attached hereto, is hereby adopted by reference.

(13) 29 CFR 1910.94 which was amended by revoking paragraphs (b)(2)(i) and (b)(2)(ii) and by revising paragraph (b)(2), as published in the Federal Register, Volume 40, Number 111, June 9, 1975, a copy of which is attached hereto is adopted by reference.

(14) 29 CFR 1910.217(b)(7)(xii) relating to machines using part revolution clutches shall be amended by adding the following: “This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-break control in the ‘inch’ position.”

(15) 29 CFR 1910.94(d)(4)(i) Table G-14, Page 23594, published in the Federal Register, Volume 39, Number 125, Thursday, June 27, 1974, as adopted, contains a typographical error and is hereby revoked. The corrected version published in the Federal Register, Volume 37, No.

202, Wednesday, October 18, 1972, Table G-14, Page 22155, a copy of which is attached hereto, is hereby adopted by reference.

(16) 29 CFR 1910.1001(i)(1) which was revised by the U. S. Department of Labor, for retention of records of Asbestos Exposure Monitoring from three (3) years to twentieth (20) years, as published in the Federal Register, Volume 41, No. 55, Friday, March 19, 1976, a copy of which is attached hereto, is hereby adopted by reference.

(17) 29 CFR 1910.184(f)(6) which was amended by the U. S. Department of Labor, to delete the paragraph which prohibits the use of knots or wire rope clips to form eyes in wire rope slings, as published in the Federal Register Volume 41, No. 62, Tuesday, March 30, 1976, a copy of which is attached hereto is hereby adopted by reference.

(18) Paragraph 1910.1005(c)(7) of the 29 CFR 1910 General Industry Standards shall read as follows: “Premixed Solutions: Where 4, 4’ Methylene bis (2-Chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius the establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to handle such materials.”

(19) 29 CFR 1910.101(b) shall be amended by revocation of referenced pamphlet P-1-1965 and the adoption of P-1-1974, herein filed by reference.

(20) 29 CFR 1910.1029 Exposure to Coke Oven Emissions as printed in the Federal Register, Volume 41, Number 206, Friday, October 22, 1976, a copy of which is attached hereto, is adopted by reference.

(21) Corrections and omissions which have been adopted by the U. S. Department of Labor, relating to Coke Oven Emissions Standards, 29 CFR 1910.1029, published in the Federal Register, Volume 42, Number 12, Tuesday, January 18, 1977, a copy of which is attached hereto, is hereby adopted by reference.

(22) 29 CFR 1910.309 is hereby amended by revising paragraph (c) to require either the use of Ground-fault Circuit Interrupters or the implementation of an assured equipment grounding conductor program on construction sites. This amendment as published in the Federal Register, Volume 41, No. 246, Tuesday, December 21, 1976, a copy of which is attached hereto, is hereby adopted by reference with the following modification: “Effective Date: Page 55704, 2nd paragraph is changed to read, ‘These amendments of Part 29 CFR 1910 become effective August 22, 1977.’”

(23) The following corrections and omissions which have been adopted by the U. S. Department of Labor, copies of which are attached hereto, are hereby adopted by reference:

(a) Federal Register, Volume 39, No. 233, December 3, 1974, Standard for Exposure to Vinyl Chloride, corrections:

(b) Federal Register, Volume 40, No. 18, January 27, 1975;

1. Mechanical power Presses, corrections;
2. Correct error of omission, Table H-12;

(c) Federal Register, Volume 40, No. 58, March 25, 1975, Standard for Exposure to Vinyl Chloride, effective date;

(d) Federal Register, Volume 40, No. 82, April 28, 1975, National Fire Protection Association mailing address change;

(e) Federal Register, Volume 40, No. 125, June 27, 1975, Overhead and Gantry Cranes, Paragraph 1910.179(j)(2)(iv), corrections; and (v) revoked; Paragraph

1910.190 Standards Organization, amended;

(f) Federal Register, Volume 40, No. 145, July 28, 1975, Industrial Slings, correction.

(24) 29 CFR 1910.401 through 1910.441, Subpart T, the Occupational Safety and Health Commercial Diving Standard, published in the Federal Register, Volume 42, No. 141, Friday, July 22, 1977, a copy of which is attached hereto, is hereby adopted by reference.

(25) 29 CFR 1910.1044 Emergency Temporary Standard, "Occupational Exposure to 1, 2 Dibromo-3-Chloropropane (DBCP)," printed in the Federal Register, Volume 42, No. 175, September 9, 1977, a copy of which is attached hereto, is hereby adopted by reference.

(26) 29 CFR 1910.1028 the permanent standard "Occupational Exposure to Benzene," printed in the Federal Register, Volume 43, No. 29, February 10, 1978, a copy of which is attached hereto, is hereby adopted by reference.

JAMES R. YOCOM, Commissioner

ADOPTED: February 23, 1977

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: March 14, 1978 at 11:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Department of Labor, Occupational Safety and Health Program, U. S. 127 South, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET Kentucky Harness Racing Commission (Proposed Amendment)

811 KAR 1:005. Definitions.

RELATES TO: KRS 230.630(3), (7)

PURSUANT TO: KRS 13.082, 230.630(3), (4), (7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to define the terms used in the commission's rules and regulations.

Section 1. Added Money Early Closing Event. An event closing in the same year in which it is to be contested in which all entrance and declaration fees received are added to the purse.

Section 2. Appeal. A request for the commission to investigate, consider, and review any decisions or rulings of judges or officials of a meeting. The appeal may deal with placings, penalties, interpretations of the rules, or other questions dealing with the conduct of races.

Section 3. Claiming Race. One in which any horse starting therein may be claimed for a designated amount in conformance with the rules.

Section 4. Classified Race. A race regardless of the eligibility of horses, entries being selected on the basis of ability or performance.

Section 5. Commission. Shall at all times mean the Kentucky Harness Racing Commission.

Section 6. Conditioned Race. An overnight event to which eligibility is determined according to specified qualifications. Such qualifications may be based upon, among other things:

(1) Horses' money winnings in a specified number of previous races or during a specified previous time.

(2) A horse's finishing position in a specified number of previous races or during a specified period of time.

(3) Age.

(4) Sex.

(5) Number of starts during a specified period of time.

(6) Special qualifications for foreign horses that do not have a representative number of starts in the United States or Canada.

(7) Or any one or more combinations of the qualifications herein listed.

(8) Use of records or time bars as a condition is prohibited.

Section 7. Dash. A race decided in a single trial. Dashes may be given in a series of two (2) or three (3) governed by one (1) entry fee for the series, in which event a horse must start in all dashes. Positions may be drawn for each dash. The number of premiums awarded shall not exceed the number of starters in the dash.

Section 8. Declarations. Declarations shall be taken not more than three (3) days in advance for all races except those for which qualifying dashes are provided.

Section 9. Disqualification. It shall be construed to mean that the person disqualified is debarred from acting as an official or from starting or driving a horse in a race, or in the case of a disqualified horse, it shall not be allowed to start.

Section 10. Early Closing Race. A race for a definite amount to which entries close at least six (6) weeks preceding the race. The entrance fee may be on the installment plan or otherwise, and all payments are forfeits.

Section 11. Elimination Heats. Heats of a race split according to 811 KAR 1:050, Sections 2 and 3, to qualify the contestants for a final heat.

Section 12. Entry. (1) Two (2) or more horses starting in a race when owned or trained by the same person, or trained in the same stable or by the same management.

(2) For purposes of early closing, late closing and stakes races only, an entry is the mandatory coupling of horses as a single wagering interest in a single race when: (i) horses in that race are owned wholly or partially by the same owner, or (ii) a trainer of one horse has an ownership interest in another horse in that race. These provisions do not apply to horses trained by the same trainer but separately owned.

Section 13. Expulsion. Whenever the penalty of expulsion is prescribed in these rules, it shall be construed to mean unconditional exclusion and disqualification from any participation, either directly or indirectly, in the privileges and uses of the course and grounds of a track licensee.

Section 14. Extended Pari-Mutuel Meetings. An extended pari-mutuel meeting is a meeting or meetings, at which no agricultural fair is in progress, with an annual total of more than six (6) days duration with pari-mutuel wagering.

Section 15. Futurity. A stake in which the dam of the competing animal is nominated either when in foal or during the year of foaling.

Section 16. Green Horse. One that has never trotted or paced in a race or against time, either double or single.

Section 17. Guaranteed Stake. Same as a stake, with a guarantee by the party opening it that the sum shall not be less than the amount named.

Section 18. Handicap. A race in which performance, sex or distance allowance is made. Post positions for a handicap may be assigned by the racing secretary. Post positions in a handicap claiming race may be determined by claiming price.

Section 19. Heat. A single trial in a race, two (2) in three (3), or three (3) heat plan.

Section 20. In Harness. When a race is made to go "in harness" it shall be construed to mean that the performance shall be to a sulky.

Section 21. Late Closing Race. A race for a fixed amount to which entries close less than six (6) weeks and more than three (3) days before the race is to be contested.

Section 22. Length of Race and Number of Heats. Races or dashes shall be given at a stated distance in units not shorter than a sixteenth ($\frac{1}{16}$) of a mile. The length of a race and the number of heats shall be stated in the conditions. If no distance or number of heats are specified, all races shall be a single mile dash except at fairs and meetings of a duration of six (6) days or less, where the race will be conducted in two (2) dashes at one (1) mile distance.

Section 23. Licensee; Association. The term "licensee" means an individual, firm, association, partnership, corporation, trustee or legal representative, licensed to conduct a harness race meeting under the provisions of the Kentucky Revised Statutes.

Section 24. Maiden. A stallion, mare or gelding that has never won a heat or race at the gait at which it is entered to start and for which a purse is offered. Races or purse money awarded to a horse after the "official sign" has been posted shall not be considered a winning performance or affect status as a maiden.

Section 25. Match Race. A race which has been arranged and the conditions thereof agreed upon between the contestants.

Section 26. Matinee Race. A race with no entrance

fee and where the premiums, if any, are other than money.

Section 27. Overnight Event. A race for which entries close not more than three (3) days (omitting Sundays) or less before such race is to be contested. In the absence of conditions or notice to the contrary, all entries in overnight events must close not later than 12 noon the day preceding the race.

Section 28. Protest. An objection, properly sworn to, charging that a horse is ineligible to a race, alleging improper entry or declaration or citing any act of an owner, driver or official prohibited by the rules, and which, if true, should exclude the horse or driver from the race.

Section 29. Record. The fastest time made by a horse in a heat or dash which he won. A Standard Record is a record of 2:20 or faster for two (2) year olds and 2:15 or faster for all other ages.

Section 30. Stake. A race which will be contested in a year subsequent to its closing in which the money given by the track conducting the same is added to the money contributed by the nominators, all of which except deductions for the cost of promotion, breeders or nominators awards belongs to the winner or winners. In any event, except as provided in 811 KAR 1:040, Section 6, all of the money contributed by the nominators must be paid to the winner or winners.

Section 31. Two in Three. In a two (2) in three (3) race a horse must win two (2) heats to be entitled to first money.

Section 32. Two Year Olds. No two (2) year old shall be permitted to start in a dash or heat exceeding one (1) mile in distance, and no two (2) year old shall be permitted to race in more than two (2) heats or dashes in any single day. Starting any two (2) year old in violation of this rule shall subject the track to a fine of not less than twenty-five dollars (\$25) and the winnings of such two (2) year old shall be declared unlawful.

Section 33. Walk Over. When only horses in the same interest start, it constitutes a walk over. In a "stake race" a "walk over" is entitled to all the stake money and forfeits unless otherwise provided in the published conditions. To claim the purse the entry must start and go once over the course.

Section 34. Winner. The horse, whose nose reaches the wire first. If there is a dead heat for first, both horses shall be considered winners. Where two (2) horses are tied in the summary, the winner of the longer dash or heat shall be entitled to the trophy. Where the dashes or heats are of the same distance and the horses are tied in the summary the winner of the faster dash or heat shall be entitled to the trophy. Where the dashes or heats are of the same distance and the horses are tied in the summary and the time, both horses shall be considered winners.

Section 35. Wire. The wire is a real or imaginary line

from the center of the judge's stand to a point immediately across, and at right angles to the track.

CARL B. LARSEN, Commissioner

ADOPTED: February 17, 1978

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: March 14, 1978 at 11:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Betty Burton, Acting Executive Secretary, Kentucky
Harness Racing Commission, 369 Waller Avenue, Lexington, Kentucky 40504.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Harness Racing Commission
(Proposed Amendment)

811 KAR 1:045. Entries.

RELATES TO: KRS 230.630(1), (3), 230.640

PURSUANT TO: KRS 13.082, 230.630(3), (4), (7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to regulate entries.

Section 1. All entries must: (1) Be made in writing.

(2) Be signed by the owner or his authorized agent except as provided in 811 KAR 1:055, Section 1.

(3) Give name and address of both the bona fide owner and agent or registered stable name or lessee.

(4) Give name, color, sex, sire and dam of horse.

(5) Name the event or events in which the horse is to be entered.

(6) Entries in overnight events must also comply with the provisions of 811 KAR 1:055, Section 1.

Section 2. Payment of Entry Fee. Entry fee shall be due and payable with declaration to start and will not be refunded if horse fails to start unless horse dies between time of declaration to start and start of race. For purposes of clarification, entry fee shall be defined as the payment required with declaration to start.

Section 3. Penalties. The penalty for noncompliance with any of the above requirements is a fine of not less than five dollars (\$5) nor more than fifty dollars (\$50) for each offense. If the facts are falsely stated for the purpose of deception, the guilty party shall be fined and/or suspended or expelled.

Section 4. Receipt of Entries for Early Closing Events, Late Closing Events, Stakes and Futurities.

(1) All entries not actually received at the hour of closing shall be ineligible, except entries by letter bearing postmark not later than the following day (omitting Sunday) or entries notified by telegraph, the telegram to be actually received at the office of sending at or before the hour of closing, such telegram to state the color, sex, and name of the horse, the class to be entered; also to give the name and residence of the owner and the party making entry. Whenever an entry or payment in a stake,

futurity, or early closing race becomes payable on a Sunday or a legal holiday that falls on Saturday, such payment is to be due on the following Monday, and if made by mail the envelope must be postmarked on or before the following Tuesday. If a payment falls on a Monday that is a legal holiday, such payment is due on Tuesday, and if made by mail must be postmarked on or before the following Wednesday.

(2) Postage Meter. Where an entry is received by letter bearing the postage meter date without any postmark placed thereon by the Post Office Department, such postage meter date shall be considered to be a postmark for the purpose of this rule if the letter is actually received within seven (7) days following the closing date of the event. Receipt subsequent to this time of an entry by letter bearing the metered postmark date shall not be a valid entry or payment to any event. The metered date must conform to the postmark date as set forth above in order to be valid.

Section 5. Deviation from Published Conditions. All entries and payments not governed by published conditions shall be void and any proposed deviation from such published conditions shall be punished by a fine not to exceed fifty dollars (\$50) for each offense; and any nominator who is allowed privileges not in accordance with the published conditions of the race, or which are in conflict with these rules, shall be debarred from winning any portion of the purse, and the said nominator and the secretary or other persons who allowed such privileges shall be deemed to have been parties to a fraud.

Section 6. (1) Where ineligible horse races in stakes race. A nominator is required to guarantee the identity and eligibility of his entries and declarations, and if given incorrectly he may be fined, suspended or expelled, and any winnings shall be forfeited and redistributed to eligible entries. A person obtaining a purse or money through fraud or error shall surrender or pay the same upon demand, or he, together with the parties implicated in the wrong, and the horse or horses shall be suspended until such demand is complied with and such purse or money shall be suspended until such demand is complied with and such purse or money shall be awarded to the party justly entitled to the same. However, where any horse is ineligible as a result of the negligence of the race secretary, the track shall reimburse the owner for the resultant loss of winnings.

(2) Where ineligible horse drawn into overnight race. It is the responsibility of the trainer to enter the horse in a race to which it is eligible. In cases where the ineligible horse actually deprives an eligible horse of racing, the person responsible for the error may be fined not more than \$100. In all cases a hearing shall be held to determine the person responsible for ineligible horses drawn in to race.

Section 7. Transfer of Ineligible Horse. A horse entered in an event to which it is ineligible, may be transferred to any event to which he is eligible at the same gait.

Section 8. Withholding Purse on Ineligible Horse. Tracks shall be warranted in withholding the premium of any horse, without a formal protest, if they receive information, in their judgment, tending to establish that the entry or declaration was fraudulent or ineligible.

Section 9. Agreement to Race Under Rule. Every entry shall constitute an agreement that the person making it, the owner, lessee, manager, agent, nominator, driver, or other person having control of the horse, and the horse shall be subject to these rules and regulations, and will submit all disputes and questions arising out of such entry to the authority and the judgment of this commission, whose decision shall be final.

Section 10. Early Closing Events and Late Closing Races:

(1) Date and Place. The sponsor shall state the place and day the event will be raced and no change in date, program, events, or conditions can be made after the nominations have been taken without the written consent of the owners or trainer of all horses eligible at the time the conditions are changed.

(2) Filing Conditions. An entry blank shall be filed with the commission.

(3) Payments on the Fifteenth of the Month. All nominations and payments other than starting fees in early closing events shall be advertised to fall on the fifteenth (15th) day of the month.

(4) List of Nominations. A complete list of nominations to any late closing race or early closing event shall be published within twenty (20) days after the date of closing and mailed to each nominator and the commission.

(5) Procedure If Event Does Not Fill. If the event does not fill, each nominator and the commission shall be notified within ten (10) days and refund of nomination fees shall accompany the notice.

(6) Transfer Provisions for Change of Gait:

(a) Unless a track submits its early closing conditions to the commission at least thirty (30) days prior to the first publication and has such conditions approved, the following provisions will govern transfers in the event of a change of gait. If conditions published for early closing events allow transfer for change of gait, such transfer shall be to the slowest class the horse is eligible for at the adopted gait; eligibility to be determined at time of closing of entries. The race to which transfer may be made must be the one nearest the date of the event originally entered.

(b) Two (2) year olds, three (3) year olds, or four (4) year olds, entered in classes for their age, may only transfer to classes for same age group at the adopted gait to the race nearest the date of the event originally entered, entry fees to be adjusted.

Section 11. Subsequent Payments; Lists of Eligibles. If subsequent payments are required, a complete list of those withdrawn or declared out shall be made within fifteen (15) days after the payment was due and the list mailed to each nominator and the commission.

Section 12. Trust Funds. All fees paid in early closing events shall be segregated and held as trust funds until the event is contested.

Section 13. Early Closing Events by New Track. No early closing events may be advertised or nominations taken therefor for a pari-mutuel meeting that has not had its application approved by the commission. Tracks

accepting nominations to early closing races, late closing races, stakes and futurities will give stable space to any horse nominated and eligible to such event the day before, the day of, and the day after such race.

Section 14. Limitation on Conditions. Conditions of early closing events or late closing races that will eliminate horses nominated to an event, or add horses that have not been nominated to an event, by reason of the performance of such horses at an earlier meeting held the same season, are invalid. Early closing events or late closing events shall have not more than two (2) also eligible conditions.

Section 15. Penalties. Any official or track who fails to comply with any provisions of this rule shall be fined, suspended or expelled, unless otherwise provided.

Section 16. In early closing races, late closing races, and overnight races requiring entry fees, all monies paid in by the nominators in excess of eighty-five (85) percent of the advertised purse shall be added to the advertised purse and the total shall then be considered to be the advertised purse. In addition to adding excess entry fees as provided above, the sponsor shall add at least fifteen (15) percent to the advertised purses of late closing races and overnight races. Fifteen (15) percent of all monies paid in by the nominators shall be added to all early closing races by the sponsor.

CARL B. LARSEN, Commissioner

ADOPTED: February 17, 1978

APPROVED:

JAMES E. GRAY, Secretary

RECEIVED BY LRC: March 14, 1978 at 11:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Betty Burton, Acting Executive Secretary, Kentucky Harness Racing Commission, 369 Waller Avenue, Lexington, Kentucky 40504.

PUBLIC PROTECTION AND REGULATION CABINET Kentucky Harness Racing Commission (Proposed Amendment)

811 KAR 1:055. Declaration to start; drawing horses.

RELATES TO: KRS 230.630(1), (3), 230.640

PURSUANT TO: KRS 13.082, 230.630(3), (4), (7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to regulate declarations to start; drawing horses.

Section 1. Declaration. (1) At Extended Pari-Mutuel Meetings. Unless otherwise specified in the conditions, the declaration time at extended pari-mutuel meetings shall be 9 a.m.

(2) Declaration Time at Other Meetings. At all other meetings starters must be declared in at 10 a.m. unless another time is specified in the conditions.

(3) No horse shall be declared to start in more than one (1) race on any one (1) racing day.

(4) Time Used. In order to avoid confusion and misunderstanding, the time when declarations close will be considered to be standard time, except the time in use at an extended pari-mutuel meeting shall govern that meeting.

(5) Declaration Box. The management shall provide a locked box with an aperture through which declarations shall be deposited.

(6) Responsibility for Declaration Box. The presiding judge shall be in charge of the declaration box.

(7) Search for Declarations by Presiding Judge Before Opening Box. Just prior to opening of the box at extended pari-mutuel meetings where futurities, stakes, early closing or late closing events are on the program, the presiding judge shall check with the race secretary to ascertain if any declarations by mail, telegraph, or otherwise, are in the office and not deposited in the entry box, and he shall see that they are declared and drawn in the proper event.

(8) Opening of Declaration Box. At the time specified the presiding judge shall unlock the box, assort the declarations found therein and immediately draw the positions in the presence of such owners or their representatives, as may appear.

(9) Entry Box and Drawing of Horses at Extended Pari-Mutuel Meetings. The entry box shall be opened by the presiding judge at the advertised time and the presiding judge will be responsible to see that at least one (1) horseman or an official representative of the horsemen is present. No owner or agent for a horse with a declaration in the entry box shall be denied the privilege of being present. Under the supervision of the presiding judge, all entries shall be listed, the eligibility verified, preference ascertained, starters selected and post positions drawn. If it is necessary to reopen any race, public announcement shall be made at least twice and the box reopened to a definite time.

(10) Drawing of Post Positions for Second Heat in Races of More Than One (1) Dash or Heat at Pari-Mutuel Meetings. In races of a duration of more than one (1) dash or heat at pari-mutuel meetings, the judges may draw post positions from the stand for succeeding dashes or heats.

(11) Declarations by Mail, Telegraph or Telephone. Declarations by mail, telegraph, or telephone actually received and evidence of which is deposited in the box before the time specified to declare in, shall be drawn in the same manner as the others. Such drawings shall be final. Mail, telephone and telegraph declarations must state the name and address of the owner or lessee; the name, color, sex, sire and dam of the horse; the name of the driver and his colors; the date and place of last start; a current summary, including the number of starts, first, seconds, thirds, earnings and best winning time for the current year; and the event or events in which the horse is to be entered.

(12) Effect of Failure to Declare on Time. When a track requires a horse to be declared at a stated time, failure to declare as required shall be considered a withdrawal from the event.

(13) Drawings of Horses After Declaration. After dec-

laration to start has been made no horse shall be drawn except by permission of the judges. A fine, not to exceed \$500, or suspension, may be imposed for drawing a horse without permission, the penalty to apply to both the horse and the party who violates the regulation.

(14) Horses Omitted Through Error. Such drawings shall be final unless there is conclusive evidence that a horse properly declared, other than by telephone, was omitted from the race through the error of a track or its agent or employee in which event the horse may be added to this race but given the outside post position. This shall not apply at pari-mutuel meetings unless the error is discovered prior to the publication of the official program.

Section 2. Qualifying Races. At all extended pari-mutuel meetings declarations for overnight events shall be governed by the following:

(1) Within two (2) weeks of being declared in, a horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of a judge holding a presiding or associate judge's license for pari-mutuel meetings and acquire at least one (1) charted line by a licensed charter. In order to provide complete and accurate chart information on time and beaten lengths a standard photo finish shall be in use.

(2) A horse that does not show a charted line for the previous season, or a charted line within its last six (6) starts, must go a qualifying race as set forth in subsection (1). Uncharted races contested in heats or more than one (1) dash and consolidated according to subsection (4) will be considered one (1) start.

(3) A horse that has not started at a charted meeting by August 1 of a season must go a qualifying race as set forth in subsection (1).

(4) When a horse has raced at a charted meeting during the current season, then gone to meetings where the races are not charted, the information from the uncharted races may be summarized, including each start, and consolidated in favor of charted lines and the requirements of subsection (2) would then not apply.

(5) The consolidated line shall carry date, place, time, driver, finish, track condition and distance if race is not at one (1) mile.

(6) The judges may require any horse that has been on the steward's list to go a qualifying race. If a horse has raced in individual time not meeting the qualifying standards for that class of horse, he may be required to go a qualifying race.

(7) The judges may permit a fast horse to qualify by means of a timed workout consistent with the time of the races in which he will compete in the event adequate competition is not available for a qualifying race.

(8) To enable a horse to qualify, qualifying races should be held at least one (1) full week prior to the opening of any meeting of ten (10) days or more and shall be scheduled at least twice a week. Qualifying races shall also be scheduled twice a week during the meeting.

(9) Where a race is conducted for the purpose of qualifying drivers and not horses, the race need not be charted, timed or recorded. This subsection is not appli-

cable to races qualifying both drivers and horses.

(10) If a horse takes a win race record in a qualifying race, such record must be prefaced with the letter "Q" wherever it appears, except in a case where, immediately prior to or following the race, the horse taking the record has been submitted to an approved urine, saliva or blood test. It will be the responsibility of the presiding judge to report the test on the judges' sheet.

(11) *Any horse that fails to race within thirty (30) days after having started in a current year shall start in a qualifying race and meet the standards of the meeting before being allowed to start in a race with pari-mutuel wagering.*

Section 3. Coupled Entries. (1) When the starters in a race include two (2) or more horses owned or trained by the same person, or trained in the same stable or by the same management, they shall be coupled as an "entry" and a wager on one (1) horse in the "entry" shall be a wager on all horses in the "entry." Provided, however, that when a trainer enters two (2) or more horses in a stake, early closing, futurity, free-for-all or other special event under bona fide separate ownerships, the said horses may, at the request of the association and with the approval of the commission, be permitted to race as separate betting entries. The fact that such horses are trained by the same person shall be indicated prominently in the program. If the race is split in two (2) or more divisions, horses in an "entry" shall be seeded insofar as possible, first by owners, then by trainers, then by stables; but the divisions in which they compete and their post positions shall be drawn by lot. The above provision shall also apply to elimination heats.

(2) The presiding judge shall be responsible for coupling horses. In addition to the foregoing, horses separately owned or trained may be coupled as an entry where it is necessary to do so to protect the public interest for the purpose of pari-mutuel wagering only. However, where this is done, entries may not be rejected.

Section 4. Also Eligibles. Not more than two (2) horses may be drawn as also eligibles for a race and their positions shall be drawn along with the starters in the race. In the event one (1) or more horses are excused by the judges, the also eligible horse or horses shall race and take the post position drawn by the horse that it replaces, except in handicap races. In handicap races the also eligible horse shall take the place of the horse that it replaces in the event that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap. No horse may be added to a race as an also eligible unless the horse was drawn as such at the time declarations closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also eligible. A horse moved into the race from the also eligible list cannot be drawn except by permission of the judges, but the owner or trainer of such a horse shall be notified that the horse is to race and it shall be posted at the race secretary's office. All horses on the also eligible list and not moved in to race by 9 a.m. on the day of the race shall be released.

Section 5. Preference. (1) Preference shall be given in all overnight events according to a horse's last previous purse race during the current year. The preference date on a horse that has drawn to race and been scratched is the date of the race from which he was scratched.

(2) When a horse is racing for the first time in the current year, the date of the first declaration shall be considered its last race date, and preference applied accordingly.

(3) *If an error has been made in determining or posting a preference date and said error deprives an eligible horse of an opportunity to race, the trainer involved shall report the error to the racing secretary within one (1) hour of the announcement of the draw. If in fact a preference date error has occurred, the race will be redrawn.*

Section 6. Steward's List. (1) A horse that is unfit to race because he is dangerous, unmanageable, sick, lame, unable to show a performance to qualify for races at the meeting, or otherwise unfit to race at the meeting may be placed on a "steward's list" by the presiding judge, and declarations on said horse shall be refused, but the owner or trainer shall be notified in writing of such action and the reason as set forth above shall be clearly stated on the notice. When any horse is placed on the steward's list, the clerk of the course shall make a note on the eligibility certificate of such horse, showing the date the horse was put on the steward's list, the reason therefor and the date of removal if the horse has been removed.

(2) No presiding judge or other official at a non-extended meeting shall have the power to remove from the steward's list and accept as an entry any horse which has been placed on a steward's list and not subsequently removed therefrom for the reason that he is a dangerous or unmanageable horse. Such meetings may refuse declarations on any horse that has been placed on the steward's list and has not been removed therefrom.

Section 7. Driver. Declarations shall state who shall drive the horse and give the driver's colors. Drivers may be changed until 9 a.m. of the day preceding the race, after which no driver may be changed without permission of the judges and for good cause. When a nominator starts two (2) or more horses, the judges shall approve or disapprove the second and third drivers.

Section 8. (1) It shall be the duty of the presiding judge to call a meeting of all horsemen on the grounds before the opening of an extended pari-mutuel meeting for the purpose of their electing a member and an alternate to represent them on matters relating to the withdrawal of horses due to bad track or weather conditions.

(2) In case of questionable track conditions due to weather, the presiding judge shall call a meeting consisting of an agent of the track member, the duly elected representative of the horsemen and himself.

(3) Upon unanimous decision by this committee of three (3) that track conditions are safe for racing, no unpermitted withdrawals may be made.

(4) Any decision other than unanimous by this committee will allow any entrant to scratch his horse or horses after posting ten (10) percent of the purse to be raced for. In the event sufficient withdrawals are re-

ceived to cause the field to be less than six (6), then the track member shall have the right of postponement of an early closing event or stake and cancellation of an overnight event.

(5) Said money posted shall be forwarded to the commission and shall be retained as a fine, or refunded to the individual upon the decision of the commission as to whether the withdrawal was for good cause.

(6) The above procedure applies only to the withdrawal of horses that have been properly declared in and does not relate to postponement which is covered in 811 KAR 1:060.

CARL B. LARSEN, Commissioner

ADOPTED: February 17, 1978

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: March 14, 1978 at 11:45 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Betty Burton, Acting Executive Secretary, Kentucky Harness Racing Commission, 369 Waller Avenue, Lexington, Kentucky 40504.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(Proposed Amendment)

901 KAR 5:040. Verification of birth and death facts.

RELATES TO: KRS Chapter 213

PURSUANT TO: KRS 13.082, 194.050, 211.090

NECESSITY AND FUNCTION: KRS Chapter 213 relating to Vital Statistics authorizes the Department for Human Resources to regulate the registration of births and deaths in Kentucky. This regulation authorizes the verification of certain items or facts appearing on birth and death certificates [to governmental agencies] without charge where certified copies are not required.

Section 1. Verification of Certain Facts Appearing on Birth and Death Certificates. The Director of Vital Statistics of the Department for Human Resources may issue a card or statement verifying certain items or facts appearing on birth and death certificates to governmental agencies without charge where certified copies are not required.

Section 2. Local registrars of vital statistics may issue verifications of births and deaths without charge where certified copies are not required, provided the applicant has a direct, tangible, legitimate interest in the information requested. For the purpose of this regulation, the following persons are deemed to have such an interest:

- (1) Person named in certificate;
- (2) Spouse;
- (3) Next of kin;
- (4) Funeral director or other person responsible for final disposition of the body; and
- (5) Governmental agencies for official purposes.

BURNICE RANSDELL, JR., Acting Commissioner

ADOPTED: January 18, 1978

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: March 9, 1978 at 1:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary, Department for Human Resources, Human Resources Building, Frankfort, Kentucky 40601

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(Proposed Amendment)

902 KAR 2:080. Venereal disease.

RELATES TO: KRS 211.180, 214.010, 214.160, 214.170, 214.185, 402.120 to 402.180

PURSUANT TO: KRS 13.082, 195.040, 211.090

NECESSITY AND FUNCTION: KRS 211.180 mandates the Department for Human Resources to implement a statewide program for the detection, prevention, and control of communicable diseases. The purpose of this regulation is to establish uniform procedures for the diagnosis, prevention, treatment, and control of venereal disease.

Section 1. Definitions. As used in this regulation: (1) "Approved serology laboratory" means a laboratory that has been evaluated and certified by the Department for Human Resources for performing serological tests for syphilis, in compliance with Kentucky's premarital and prenatal laws (KRS 402.120 et seq., and 214.160 et seq.).

(2) "Venereal disease" means syphilis, gonorrhea, chancroid, granuloma inguinale, and lymphogranuloma venereum.

(3) An "approved serology test" means the VDRL slide test or RPR 18mm circle card test or other test approved by the Department for Human Resources and performed as described in the current edition of the "Manual of Tests for Syphilis" published by the United States Public Health Service.

Section 2. Investigation and Enforcement. Only authorized personnel of the Department for Human Resources and local health departments are empowered to administer and enforce the provisions set forth in this regulation. Their duties shall include, among other things, the investigation of persons known to be or reasonably suspected of being infected with a venereal disease. Local health officers and authorized persons of the Department for Human Resources are hereby empowered and directed to make such examinations, including laboratory testing procedures, of persons reasonably suspected of having a venereal disease as may be necessary for carrying out this regulation.

Section 3. Medical Examination and Treatment of Venereal Disease. (1) Any person reasonably suspected of being infected with a venereal disease shall undergo such medical examination as is necessary, including such laboratory testing procedures as are deemed advisable by the examining physician, to definitely determine the existence or nonexistence of a venereal disease. If such person is found to be infected with a venereal disease, or the potentiality for incubation exists, he or she shall undergo such treatment as may be determined adequate by the examining physician.

(2) Any person reasonably suspected of being infected with a venereal disease who refuses to submit himself for examination or treatment as hereinabove provided shall be considered delinquent and shall be subject to quarantine by the Department for Human Resources or local health department until such time as the provisions of subsection (1) of this section are complied with.

Section 4. Venereal Diseases to be Reported. Upon diagnosis of a case of venereal disease, the physician shall

report such case in a prescribed manner to his local health department or to the Department for Human Resources stating the infected person's name, address, age, sex, race, date of onset, and for syphilis cases, the stage of the disease; provided, however, that a reidentifiable code number assigned to the patient by the physician may be substituted in lieu of the patient's name and address.

Section 5. Reports to be Confidential. (1) All information and reports concerning persons infected with a venereal disease or suspected of being infected with venereal disease are hereby declared to be confidential and only authorized personnel of the local health department concerned, the physician retained by the patient concerned, and the Department for Human Resources shall be permitted access to such records and information.

(2) Except for requests from licensed practicing physicians retained by the patient concerned and authorized health department personnel, information contained in venereal disease records shall be released only upon written consent of the patient.

Section 6. Approved Serology Laboratories for Premarital and Prenatal Tests. *All laboratories licensed pursuant to KRS Chapter 333 to perform tests in the specialty of serology are hereby approved. In the event the laboratory is exempted from licensure under KRS Chapter 333, the laboratory must have as its director a person who meets the requirements set forth in 902 KAR 11:030 Section 1(4).* [A laboratory must have as its director a physician licensed to practice medicine or osteopathy in Kentucky, in order to qualify for approval by the Department for Human Resources for performing serologic tests for syphilis under Kentucky's premarital and prenatal laws (KRS 402.120 et seq., and 214.160 et seq.).] Certificates of approval shall be issued annually by the Department for Human Resources to all laboratories evaluated and certified by the Department for Human Resources [.] *that are not required to be licensed pursuant to KRS Chapter 333.* All approved serology laboratories shall fully comply with all the provisions of Kentucky's premarital and prenatal laws and with the rules and regulations of the Department for Human Resources.

Section 7. Laboratory Tests for Venereal Disease. Whenever any laboratory in Kentucky performs a test for any venereal disease the result if reactive or positive shall be reported within one (1) week thereafter to the Department for Human Resources.

BURNICE RANSDELL, JR., Acting Commissioner

ADOPTED: January 18, 1978

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: March 9, 1978 at 1:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary, Department for Human Resources, Human Resources Building, Frankfort, Kentucky 40601

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
(Proposed Amendment)

902 KAR 6:040. Hospital district assignments.

RELATES TO: KRS 210.300, Chapter 202A
PURSUANT TO: KRS 210.300, Chapter 202A

NECESSITY AND FUNCTION: KRS 210.300 authorizes the Secretary of the Department for Human Resources to designate hospital districts for the purpose of determining to which of the state institutions for the mentally ill the persons admitted from each county shall initially be sent. KRS Chapter 202A authorizes the transfer of a mentally defective or mentally ill inmate of any penal and correctional institution to the state hospital service designated by the secretary for that purpose.

Section 1. (1) The following state mental hospital districts are created. Except as otherwise provided herein, involuntarily and voluntarily hospitalized persons will be admitted to the hospital serving the district in which they reside.

(2) District I: Western State Hospital, Hopkinsville, Kentucky, counties of: Allen, Ballard, Barren, Breckinridge, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Grayson, Hancock, Hardin, Hart, Henderson, Hickman, Hopkins, Larue, Livingston, Logan, Lyon, McCracken, McLean, [Marion,] Marshall, Meade, Metcalfe, Monroe, Muhlenberg, [Nelson,] Ohio, Simpson, Todd, Trigg, Union, Warren, [Washington.]

(a) Provided, however, residents of the following counties may be admitted to Lourdes Hospital, Paducah, Kentucky: Ballard, Calloway, Fulton, Graves, Hickman, Livingston, McCracken, and Marshall.

(b) Provided, further, that residents of the following counties may be admitted to T. J. Sampson Community Hospital, Glasgow, Kentucky: Allen, Barren, Hart, Metcalfe, and Monroe.

(c) Provided, further, that residents of the following counties may be admitted to Our Lady of Mercy Hospital, Owensboro, Kentucky: Daviess, Hancock, Henderson, McLean, Ohio, Union and Webster

(3) District II: *Our Lady of Peace Hospital.* [River Region Hospital,] Louisville, Kentucky counties of: Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer, and Trimble.

(4) District III: Eastern State Hospital, Lexington, Kentucky, counties of: Adair, Anderson, Bath, Bell, Boone, Bourbon, Boyd, Boyle, Bracken, Breathitt, Campbell, Carroll, Carter, Casey, Clark, Clay, Clinton, Cumberland, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Green, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Scott, Taylor, Wayne, Whitley, Woodford, and Wolfe.

(5) *District I or III: Residents of Marion, Nelson, and Washington Counties may be admitted to Western State Hospital, Hopkinsville, Kentucky, or Eastern State Hospital, Lexington, Kentucky.*

Section 2. Inmates of state penal and correctional in-

stitutions transferred to the Department for Human Resources shall be admitted to the Forensic Medicine Facility, LaGrange, Kentucky.

Section 3. (1) Individuals charged with a felony and requiring psychiatric evaluation or treatment or both shall be admitted upon court order to the Forensic Medicine Facility, Anchorage, Kentucky.

(2) Individuals admitted upon court order to the Forensic Medical Facility, Anchorage, Kentucky, may be transferred to other state institutions for the mentally ill or to a psychiatric unit in a local general hospital.

(3) Prompt notification of the court is required by KRS Chapter 202A, and sending of appropriate papers to the hospital is required by KRS Chapter 202A.

Section 4. A person may be admitted to a hospital other than the one in the district of his residence upon verbal or

written permission of the Commissioner of the Bureau for Health Services or his authorized designee. If verbal, then written confirmation shall follow within five (5) working days of the admission.

Section 5. A person may be admitted to a psychiatric unit in a local general hospital provided that unit has had prior approval of the Commissioner of the Bureau for Health Services or his authorized designee.

BURNICE RANDELL, JR., Acting Commissioner

ADOPTED: January 30, 1978

APPROVED: PETER D. CONN, Secretary

RECEIVED BY LRC: March 9, 1978 at 1:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Secretary, Department for Human Resources, Human Resources Building, Frankfort, Kentucky 40601

Proposed Regulations

CABINET FOR DEVELOPMENT Department of Fish and Wildlife Resources

301 KAR 2:101. Deer archery season and limits.

RELATES TO: KRS 150.025, 150.170, 150.175, 150.176, 150.300, 150.305, 150.330, 150.340, 150.360, 150.390

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the statewide deer archery season. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resources for the purpose of furnishing sport and recreation for present and future residents of the state. This regulation is necessary to change the season dates, close additional counties and wildlife management areas to deer hunting, institute mandatory deer checking procedures and establish a crossbow season. The function of this regulation is to provide for the prudent taking of deer within reasonable limits based upon an adequate supply.

Section 1. Seasons and Hunting Hours. (1) Statewide season for longbows and compound bows: October 1 through November 8; November 18 through November 30; December 9 through December 31, 1978.

(2) Statewide season for crossbows: October 1 through October 14, 1978.

(3) Hunting hours. One-half (½) hour before sunrise to one-half (½) hour after sunset prevailing local time.

Section 2. Limits. One (1) per year, either by gun or archery except for a two (2) deer limit on Fort Campbell and Land Between the Lakes and a bonus deer on Ballard Wildlife Management Area. Either sex whitetail deer except for selected areas on Land Between the Lakes where fallow deer of either sex may be taken.

Section 3. Open and Closed Counties and Wildlife Management Areas. (1) The following counties are closed to both gun and archery deer hunting: Jackson, Owsley, Clay, Powell, Harlan, Leslie, Wolfe, Clark, Johnson, Perry, Knott, Martin, Floyd, Magoffin, Estill and that

portion of Breathitt County south of Buckhorn Creek Road. All other counties are open to archery and gun deer hunting.

(2) The following wildlife management areas are closed to all hunting:

(a) Grayson Wildlife Management Area in Carter and Elliott Counties.

(b) Beaver Creek Wildlife Management Area, including all private inholdings, in Pulaski and McCreary Counties.

(c) Robinson Forest Wildlife Management Area in Breathitt, Perry, and Knott Counties.

(d) Red Bird Wildlife Management Area, including all private inholdings, in Leslie and Clay Counties.

(e) Dewey Lake Wildlife Management Area in Floyd County.

(f) Cane Creek Wildlife Management Area, including all private inholdings, in Laurel County.

(3) Yellowbank Wildlife Management Area in Breckinridge County is closed only to deer hunting.

Section 4. License Requirements. Each hunter taking or attempting to take deer must have in possession a valid deer hunting permit, unless exempted by KRS 150.170(3), (5) or (6) (the resident owner of farmlands, his wife or dependent children; resident tenants or their dependent children residing upon said farmlands; resident sixty-five (65) years or older; and resident servicemen on furlough of more than three (3) days in their county of legal residence). All persons except those exempted by KRS 150.170(3), (5) or (6), must have a valid Kentucky hunting license in addition to the deer hunting permit. All non-residents are required to possess an annual non-resident hunting license and a deer permit.

Section 5. Mandatory Deer Check Stations. (1) All archery hunters harvesting a deer by longbow, compound bow or crossbow during the dates stated in this regulation, must have it checked at a check station nearest to where the deer was harvested, or by the nearest available conservation officer, no later than 9:00 a.m. the next day. This also applies to the last day's hunt during all hunting periods. The hunter must complete the stub attached to the deer permit. This stub will be detached by the check station operator or conservation officer. A list of statewide check

stations is attached to each deer permit.

(2) Hunters harvesting a deer on military posts, Land Between the Lakes or specified state-owned wildlife management areas, must conform to check station requirements on those areas.

Section 6. Weapons; all other weapons prohibited. (1) Longbows and compound bows which are not fitted with any device designed to hold an arrow at full draw without human aid and are not capable of release by a triggering device.

(2) Barbless arrows without chemical treatment or chemical attachments, with broadhead points at least seven-eighths (7/8) inch wide.

(3) Crossbows are lawful statewide only during the special crossbow season, except on Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties where they are lawful during the entire statewide longbow and compound bow season. Crossbows must not have less than eighty (80) pounds pull with barbless arrows with broadhead points at least seven-eighths (7/8) inch wide.

Section 7. Prohibited Conditions. (1) Non-residents whose state does not grant residents of Kentucky the same hunting privilege as provided by KRS 150.176, may not hunt deer in Kentucky.

(2) Archery hunters must not carry firearms of any kind during the archery season.

(3) Deer may not be taken with the aid of boats or any type of vehicles, or any domestic animals including dogs.

(4) Tree stands. On state-owned wildlife management areas and the Daniel Boone National Forest, the use of any nails, spikes, screw-in devices, wire or tree climbers are prohibited for attaching tree stands or for climbing trees. Only portable tree stands and climbing devices that do not injure trees may be used. Portable stands may be placed in trees no more than two weeks before opening day of each hunting periods, and must be removed within one (1) week following the last day of each hunting period. All portable tree stands must be marked with the owner's name and address. Existing permanent tree stands may be used through the 1979 deer hunting season, but cannot be repaired or maintained.

Section 8. Tagging Deer and Sale of Lawfully Tagged Deer Hides. (1) Each hunter who harvests a deer must immediately attach to the deer the tag provided with the deer permit. The tag should be attached through a slit in the hock of a hind leg in such a manner that it cannot be removed without mutilating the deer carcass or damaging or destroying the tag. The tag must remain attached to the deer until the carcass is processed and packaged by locker plant, butcher or hunter. The card portion of the deer permit must be separated from the tag when tagging the deer and retained in possession of licensee. Persons eligible to hunt without a hunting license or deer permit (see Section 4), should contact their nearest conservation officer before hunting deer to obtain a free deer tag. This tag should be attached to the deer carcass before it is removed from the land where it was harvested.

(2) Taxidermist tag. Deer heads separated from the body for mounting by a taxidermist, must have the tag attached.

(3) The deer hide tag must be attached to the hide immediately after removal from the carcass. Deer hides lawfully taken and tagged may be possessed, processed, traded, bought or sold.

Section 9. 301 KAR 2:100 is hereby repealed.

DR. J. C. SALATE, Chairman

ARNOLD L. MITCHELL, Commissioner

ADOPTED: March 6, 1978

APPROVED: WILLIAM SHORT, Secretary

RECEIVED BY LRC: March 14, 1978 at 4:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: The Commissioner, Department of Fish and Wildlife Resources, 592 East Main Street, Frankfort, Kentucky 40601.

CABINET FOR DEVELOPMENT

Department of Fish and Wildlife Resources

301 KAR 3:021. Hunting and fishing license fees.

RELATES TO: KRS 150.025, 150.175, 150.237, 150.225

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: The Commissioner, with the concurrence of the Fish and Wildlife Resources Commission, finds it necessary to establish the hunting and fishing license fees schedule in this regulation to generate the necessary funds to finance programs to protect, manage, and conserve the fish and wildlife resources of the state so a permanent and continued supply will be maintained for the benefit of present and future generations.

Section 1. License fees for hunting and fishing are as follows:

(1) Sport fishing licenses:

Statewide fishing license (resident): \$6.50

Statewide fishing license (nonresident): \$14.00

Ohio River fishing license (resident Ohio, Indiana and Illinois only) \$6.50

15-day fishing license (nonresident only): \$5.50

3-day fishing license (nonresident only): \$4.00

Trout stamp \$3.00

(2) Commercial fishing license:

Commercial fishing license (resident) plus 10 commercial gear tags: \$62.50

Commercial fishing license (nonresident) plus 10 nonresident commercial gear tags: \$125.50

Ohio River commercial fishing license (resident Ohio, Indiana and Illinois only) plus 10 Ohio River commercial gear tags: \$62.50

(3) Commercial fishing gear tag (not to be sold singly):

Commercial fishing gear tag (resident) blocks of 10 tags: \$18.50

Commercial fishing gear tag (nonresident) block of 10 tags: \$50.50

Ohio River commercial fishing gear tag (resident Ohio, Indiana and Illinois only) block of 10 tags: \$18.50

(4) Special experimental commercial fishing permit: \$500.00

(5) Live fish and bait dealers license:

Live fish and bait dealers license (resident) Separate license required for each place of business: \$22.50

Live fish and bait dealers license (nonresident): \$37.50

(6) Mussel license:

Musseling license (resident): \$22.50

Musseling license (nonresident): \$300.50

Mussel buyer's license (resident): \$125.50

Mussel buyer's license (nonresident): \$350.50

(7) Hunting license:

Statewide hunting license (resident): \$6.50

Statewide hunting license (nonresident): \$35.00

Statewide hunting license, small game only (3-day nonresident): \$12.50

Statewide junior hunting license (resident only): \$3.50

(8) Hunting and fishing license (combination resident): \$12.00

(9) Trapping license:

Trapping license (statewide resident): \$20.00

Trapping license (resident landowner/tenant): \$5.00

Trapping license (nonresident): \$100.00

Trap tags: \$.15

(10) Big Game license:

Big Game permit, deer (resident or nonresident): \$10.50

Big Game permit, turkey (resident or nonresident): \$5.50

(11) Taxidermist license: \$10.00

(12) Commercial guide license:

Commercial guide license (resident): \$12.50

Commercial guide license (nonresident): \$37.50

(13) Fur dealer's license:

Fur processor's license (resident): \$125.00

Fur buyer's license (resident): \$50.00

Fur buyer's license (nonresident): \$200.00

(14) Special nonresident hunting preserve license valid only for preserve issued (not required if hunter has valid hunting license): \$6.50

(15) Kentucky regulated shooting preserve permit: \$30.00

(16) Pet and propagation permit: \$5.00

(17) Scientific fish and wildlife collecting permit, educational: \$1.00

(18) Food permit:

Food permit for selling bobwhite quail from propagation farms only: \$125.00

Retail food permit for propagated quail: \$2.00

(19) Commercial waterfowl shooting permit (operator's license): \$35.00

(20) Falconry permit (birds of prey): \$10.00

(21) Pay lake license (Minimum \$50 for first two (2) acres or less; \$10 per additional acre or part thereof, up to maximum of \$100)

Section 2. The kind of license or tags authorized by this regulation shall not be changed, altered, or defaced in any manner, except trout stamp, which must carry the licensee's signature in ink across the face of stamp and be attached to the back of the proper fishing license. All licenses, permits, tags, and stamps are nontransferrable.

Section 3. This regulation shall become effective on January 1, 1979, on which date 301 KAR 3:020 is repealed.

DR. J. C. SALATE, Chairman

ARNOLD L. MITCHELL, Commissioner

ADOPTED: March 6 1978

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: March 14, 1978 at 4:20 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Commissioner, Department of Fish and Wildlife Resources, 592 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION

400 KAR 1:020. Selective timber cutting.

RELATES TO: KRS 146.200 to 146.360

PURSUANT TO: KRS 13.082, 146.270, 146.290, 146.350, 146.990, 224.033

NECESSITY AND FUNCTION: The Department is authorized to permit selective timber cutting pursuant to KRS 146.270. Although KRS 146.290(3) makes provisions for landowners seeking permission for a change of use to permit the select cutting of timber within the Wild Rivers area, this regulation is necessary to establish the requirements for selective cutting of trees within the Kentucky Wild Rivers area when such cutting is necessary for disease control or other purposes not specifically covered by KRS Chapter 146.

Section 1. Definitions. (1) "Department" means the Department for Natural Resources and Environmental Protection.

(2) "Commissioner" means the Commissioner of the Bureau of Natural Resources.

(3) "Bureau" means the Bureau for Natural Resources within the Department for Natural Resources and Environmental Protection.

(4) "Selective cutting" means the harvesting or pruning of trees particularly specified by permit by the Department for Natural Resources and Environmental Protection.

(5) "Slash" means the residue left after a tree has been cut down and trimmed of the top and branches.

(6) "Wild Rivers" means those waterways designated by KRS 146.241 or added through the process described in KRS 146.260.

(7) "Wild Rivers area" means a wild river and adjacent lands as designated in 400 KAR 1:010.

Section 2. Procedures for obtaining permits for the selective cutting. (1) No person shall cut trees within the designated boundaries of the Wild Rivers area without first obtaining a permit from the department.

(2) Application for selective cutting shall be on forms supplied by the bureau. A complete application shall consist of the completed application blank accompanied by a plan for the site preparation, selective cutting and complete reclamation of the affected area. The plan must include a map to the scale not greater than one (1) inch equals 500 feet, indicating the location of the operation and all surface disturbances proposed. The application shall be submitted in duplicate to the commissioner.

(3) The bureau will make an on-site inspection of the area proposed for selective cutting, and a permit will be issued or denied subject to the hearing provisions of KRS 224.081 to 224.085.

Section 3. Conditions for the approval of permits for the selective cutting. (1) No selective cutting will be allowed within 100 feet of the edge of the stream channel within the Wild Rivers area unless the bureau finds such select cutting necessary for disease or insect control or to enhance aesthetics.

(2) All trees permitted to be cut under the permit will be marked by personnel of the bureau prior to being cut.

(3) A performance bond may be required in an amount determined by the bureau to be sufficient to ensure the reclamation of all affected areas. The bond shall be releas-

ed after reclamation work has been satisfactorily completed.

(4) No debris resulting from selective cutting shall be placed in the natural waterway of any stream within the Wild Rivers area. All slash shall be cut and placed as shown in the approved plan.

(5) No saw mills or timber processing plant of any kind shall be allowed within the designated boundaries of the Wild Rivers area.

(6) The permit issued under this regulation shall specify the maximum number of days that selective cutting will be allowed.

(7) Damage to other trees not to be harvested must be avoided.

Section 4. Penalties and Enforcement. Any person who violates any of the provisions of this regulation or who fails to perform the duties imposed by these provisions, or who fails to obtain a permit as required herein, shall be subject to the imposition of the penalties or other relief set out in KRS 146.990, such penalties or other relief to be sought in the manner prescribed in KRS 146.350.

EUGENE F. MOONEY, Secretary

ADOPTED: March 15, 1978

RECEIVED BY LRC: March 14, 1978 at 3 p.m.

PUBLIC HEARING: A public hearing on this proposed regulation will be held at 9 a.m. EDT, May 4, 1978, in the auditorium of Capital Plaza Tower, Frankfort, Kentucky 40601. For additional information or submission of comments, please contact: David Rosenbaum, Director, Division of Water Resources, 501 Wilkinson Blvd., Frankfort, Kentucky 40601.

**DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection
Division of Air Pollution**

401 KAR 3:071. Repeal of 401 KAR 3:070.

RELATES TO: KRS Chapter 224

PURSUANT TO: KRS 13.082, 224.033(17)

NECESSITY AND FUNCTION: The requirement to review new or modified indirect sources of air pollution has caused an undue economic hardship that is not offset by a sufficient environmental benefit. Therefore, the review requirement is deemed impractical, and this regulation provides for the repeal of that requirement.

Section 1. 401 KAR 3:070 is hereby repealed.

ROBERT D. BELL, Secretary

ADOPTED: January 10, 1978

RECEIVED BY LRC: March 8, 1978 at 3 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Department for Natural Resources and Environmental Protection, Division of Air Pollution, 5th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

**PUBLIC PROTECTION AND REGULATION CABINET
Public Service Commission**

807 KAR 2:055. Fuel adjustment clause.

RELATES TO: KRS Chapter 278

PURSUANT TO: KRS 13.082, 278.030(1)

NECESSITY AND FUNCTION: KRS 278.030(1) provides that all rates received by an electrical utility subject to the jurisdiction of the Public Service Commission shall be fair, just and reasonable. This regulation prescribes the requirements with respect to the implementation of automatic fuel adjustment clauses by which electric utilities may immediately recover increases in fuel costs subject to later scrutiny by the Public Service Commission.

Section 1. Fuel Adjustment Clause. Fuel adjustment clauses which are not in conformity with the principles set out below are not in the public interest and may result in suspension of those parts of such rate schedules:

(1) The fuel clause shall provide for periodic adjustment per KWH of sales equal to the difference between the fuel costs per KWH sale in the base period and in the current period according to the following formula:

$$\text{Adjustment Factor} = \frac{F(m)}{S(m)} - \frac{F(b)}{S(b)}$$

Where F is the expense of fossil fuel in the base (b) and current (m) periods; and S is sales in the base (b) and current (m) periods, all as defined below:

(2) FB/SB shall be so determined that on the effective date of the commission's approval of the utility's application of the formula, the resultant adjustment will be equal to zero (0).

(3) Fuel costs (F) shall be the most recent actual monthly cost of:

(a) Fossil fuel consumed in the utility's own plants, and the utility's share of fossil and nuclear fuel consumed in jointly owned or leased plants, plus the cost of fuel which would have been used in plants suffering forced generation and transmission outages, but less the cost of fuel related to substitute generation, plus

(b) The actual identifiable fossil and nuclear fuel costs associated with energy purchased for reasons other than identified in paragraph (c) below, but excluding the cost of fuel related to purchases to substitute the forced outages, plus

(c) The net energy cost of energy purchases, exclusive of capacity or demand charges (irrespective of the designation assigned to such transaction) when such energy is purchased on an economic dispatch basis. Included therein may be such costs as the charges for economy energy purchases and the charges as a result of scheduled outage, all such kinds of energy being purchases by the buyer to substitute for its own higher cost energy; and less

(d) The cost of fossil fuel recovered through inter-system sales including the fuel costs related to economy energy sales and other energy sold on an economic dispatch basis.

(e) All fuel costs shall be based on weighted average inventory costing.

(4) Forced outages are all nonscheduled losses of generation which require purchase of substitute power for a continuous period in excess of six (6) hours. Where forced outages are not as a result of faulty equipment, faulty manufacture, faulty design, faulty installations, faulty

operation, or faulty maintenance, but are Acts of God, riot, insurrection or acts of the public enemy, then the utility may, upon proper showing, with the approval of the commission, include the fuel cost of substitute energy in the adjustment.

(5) Sales (S) shall be all KWH's sold, excluding inter-system sales. Where, for any reason, billed system sales cannot be coordinated with fuel costs for the billing period, sales may be equated to the sum of (i) generation, (ii) purchases, (iii) interchange-in, less (iv) energy associated with pumped storage operations, less (v) inter-system sales referred to in subsection (3)(c) above, less (vi) total system losses. Utility used energy shall not be excluded in the determination of sales (S).

(6) The cost of fossil fuel shall include no items other than the invoice price of fuel less any cash or other discounts. The invoice price of fuel includes the cost of the fuel itself and necessary charges for transportation of the fuel from the point of acquisition to the unloading point, as listed in Account 151 of FERC Uniform System of Accounts for Public Utilities and Licensees.

(7) At the time the fuel clause is initially filed, the utility shall submit copies of each fossil fuel purchase contract not otherwise on file with the commission and all other agreements, options or similar such documents, and all amendments and modifications thereof related to the procurement of fuel supply and purchased power. Incorporation by reference is permissible. Any changes in the documents, including price escalations, or any new agreements entered into after the initial submission, shall be submitted at the time they are entered into. Where fuel is purchased from utility-owned or controlled sources, or the contract contains a price escalation clause, those facts shall be noted and the utility shall explain and justify them in writing. Fuel charges which are unreasonable shall be disallowed and may result in the suspension of the fuel adjustment clause. The commission on its own motion may

investigate any aspect of fuel purchasing activities covered by this regulation.

(8) Any tariff filing which contains a fuel clause shall conform that clause with this regulation within three (3) months of the effective date of this regulation. The tariff filing shall contain a description of the fuel clause with detailed cost support.

(9) The monthly fuel adjustment shall be filed with the commission ten (10) days before it is scheduled to go into effect, along with all the necessary supporting data to justify the amount of the adjustment which shall include data and information required as may be required by the commission.

(10) Copies of all documents required to be filed with the commission under this regulation shall be open and made available for public inspection at the office of the Kentucky Public Service Commission.

(11) At six (6) month intervals, the commission will conduct public hearings on a utility's past fuel adjustments. The commission will order a utility to charge off and amortize, by means of a temporary decrease of rates, any adjustments it finds unjustified due to improper calculation or application of the charge or improper fuel procurement practices.

(12) Every two (2) years following the initial effective date of each utility's fuel clause the commission in a public hearing will review and evaluate past operations of the clause, disallow improper expenses and to the extent appropriate re-establish the fuel clause charge in accordance with subsection (2).

RICHARD S. TAYLOR, Chairman

ADOPTED: March 2, 1978

APPROVED: JAMES S. GRAY, Acting Secretary

RECEIVED BY LRC: March 6, 1978 at 5:22 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Richard D. Heman, Kentucky Public Service Commission, 730 Schenkel Lane, Frankfort, Kentucky 40602.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of March 3, 1978 Meeting

(Subject to Subcommittee approval at its next meeting on April 5, 1978)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on March 3, 1978 at 8:00 a.m., in Room 9 of the Capitol.

The minutes of the February 1, 1978 meeting were approved. Present were:

Members: Representative William T. Brinkley, Chairman, Senator Donald L. Johnson and Representative Albert Robinson.

Guests: Joyce Morse and Bill Hill, Executive Department for Finance and Administration; C. J. Henry, Department of Transportation; Dr. Theron Blickenstaff, Charles Hardin, Donald R. Hughes and Irving Bell, Department for Human Resources; Joe Palmer, Department of Education.

LRC Staff: Mabel D. Robertson, Ollie Fint, Garnett Evins and Joe Hood.

The following regulations were withdrawn at the request of the issuing agency:

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION**

Division of Occupations and Professions

Board of Podiatry

201 KAR 25:010. Licensing examination, fees; approved schools.

201 KAR 25:020. License renewal notice.

201 KAR 25:030. Practice under own name, partnership, corporation.

201 KAR 25:040. Continuing education.

The following regulations were deferred at the request of the issuing agency:

CABINET FOR DEVELOPMENT

Kentucky State Fair Board

Fair Grounds and Exhibition Center

303 KAR 1:041. Certain objects and attire prohibited on premises.

**DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION**

Bureau of Environmental Protection

Division of Plumbing

401 KAR 1:105. Subsurface sewerage disposal systems.

On motion of Senator Johnson seconded by Representative Robinson the following regulations were deferred until the April meeting:

DEPARTMENT OF EDUCATION

Bureau of Instruction

Health and Physical Education Programs

704 KAR 4:010. Physical education.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Health Services

Certificate of Need and Licensure Board

902 KAR 20:007. License and fee schedule.

On motion of Senator Johnson seconded by Representative Robinson the following regulations were approved and ordered filed:

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION**

Travel Expenses and Reimbursement

200 KAR 2:050. Transportation.

Division of Occupations and Professions

Board of Accountancy

201 KAR 1:065. Annual fees.

DEPARTMENT OF TRANSPORTATION

Bureau of Highways

Traffic

603 KAR 5:096. Highway classification. (Highways 18 and 338 only. A public hearing had been requested on reclassification of Hwy. 11.)

DEPARTMENT OF EDUCATION

Bureau of Administration and Finance

Surplus Property

702 KAR 2:010. Definitions of eligible entities.

702 KAR 2:020. Authority for organizing and operating.

702 KAR 2:030. Certification of eligibles.

702 KAR 2:040. Donee requirements on use and disposal of federal surplus personal property.

702 KAR 2:080. Service charges, funds and accounting procedures.

702 KAR 2:090. Director of Division; duties.

702 KAR 2:100. Property covered by PL-152; authority for acquisition.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Health Services

Drug Formulary

902 KAR 1:017. Amoxicillin Trihydrate.

902 KAR 1:020. Ampicillin.

902 KAR 1:050. Penicillin-V.

902 KAR 1:081. Acetaminophen with Codeine.

902 KAR 1:120. Promethazine Hydrochloride.

902 KAR 1:130. Chlorpromazine Hydrochloride.

902 KAR 1:140. Sulfisoxazole Tablet.

902 KAR 1:150. Hydrochlorothiazide Tablet.

902 KAR 1:170. Propoxyphene Hydrochloride Capsule.

902 KAR 1:180. Tetracycline Hydrochloride.

902 KAR 1:190. Meprobamate Tablet.

902 KAR 1:280. Chloral Hydrate Capsule and Syrup.

902 KAR 1:320. Imipramine Hydrochloride Tablet.

902 KAR 1:328. Chlordiazepoxide Hydrochloride Capsule.

Certificate of Need and Licensure Board

902 KAR 20:030. Personal care homes; operation and services.

902 KAR 20:040. Family care homes; operation and services.

902 KAR 20:050. Intermediate care facilities; operation and services.

Radiation Operators Certification

902 KAR 105:010. Definitions.

902 KAR 105:040. Medical or osteopathic physician supervision.

902 KAR 105:050. Chiropractic supervision.

902 KAR 105:060. Podiatrist supervision.

The meeting adjourned to meet again on Wednesday, April 5, 1978, at 10 a.m., in Room 327 of the Capitol.

Administrative Register ^{of} *kentucky*

Cumulative Supplement

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200 KAR 2:050E Expires	251	1-4-78	201 KAR 20:130 Amended	122	11-2-77	500 KAR 5:005 Amended	103	8-3-77
201 KAR 8:220E Expired	39	7-26-77	201 KAR 25:010 Withdrawn	292	3-2-78	503 KAR 1:040 Amended	104	8-3-77
301 KAR 2:024E Expired	119	8-22-77	201 KAR 25:020 Withdrawn	293	3-2-78	503 KAR 5:030 Amended	51	8-3-77
301 KAR 2:026E Expired	143	12-18-77	201 KAR 25:030 Withdrawn	293	3-2-78	601 KAR 9:014 Amended	247	2-1-78
302 KAR 20:041E Expires	315	10-4-77	201 KAR 25:040 Withdrawn	294	3-2-78	603 KAR 3:020 Amended	127	11-2-77
601 KAR 9:014E Expires	223	2-1-78	301 KAR 1:055 Amended	123	3-2-78	603 KAR 5:010 Amended	17	
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807 KAR 2:053E Expires	316	4-7-78	301 KAR 1:090 Amended	123	11-2-77	Amended	18	9-7-77
904 KAR 2:014E Expired	40	7-6-78	301 KAR 1:132 Amended	124	11-2-77	Amended	141	9-7-77
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			301 KAR 1:150 Amended	99	8-3-77	702 KAR 2:010 Amended	255	3-3-78
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			401 KAR 3:071 Amended	62	10-5-77	706 KAR 1:003 Amended	149	12-7-77
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J3

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805 KAR 7:020	147	10-5-77	902 KAR 1:130			Amended	88	10-5-77
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805 KAR 7:040	173	10-5-77	Amended	265		Amended	289	3-3-78
805 KAR 7:050	148	10-5-77	902 KAR 1:140			902 KAR 105:040		
806 KAR 9:012	96		Amended	70	10-5-77	Amended	290	3-3-78
806 KAR 11:010	108	8-3-77	Amended	212	1-4-78	902 KAR 105:050		
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808 KAR 2:015			902 KAR 1:160			904 KAR 2:012		
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808 KAR 2:016	52	8-3-77	902 KAR 1:170			904 KAR 2:014	96	10-5-77
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812 KAR 1:020			Amended	215	1-4-78			
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15A.040	500 KAR 5:005		301 KAR 1:090	163.020 to 163.470	705 KAR 1:020
15.440	503 KAR 5:030		301 KAR 2:045	163.030	705 KAR 7:050
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18.190	101 KAR 1:050		301 KAR 2:105	163.120	706 KAR 1:010
18.210	101 KAR 1:050		301 KAR 3:053	163.130	706 KAR 1:010
18.240	101 KAR 1:050	150.365	301 KAR 2:045	163.140	706 KAR 1:010
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Chapter 44	200 KAR 2:050		301 KAR 2:105	163.180	706 KAR 1:010
44.070	108 KAR 1:010	150.390	301 KAR 2:045	164.945-164.947	13 KAR 1:015
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44.086	108 KAR 1:010		301 KAR 2:105	176.050	603 KAR 5:010
44.090	108 KAR 1:010		301 KAR 3:053	177.220	603 KAR 5:010
Chapter 45	200 KAR 2:050	150.400	301 KAR 2:045	177.240	603 KAR 5:010
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	301 KAR 1:145		301 KAR 1:145	177.830-177.890	603 KAR 3:020
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	301 KAR 1:075		301 KAR 1:140	189.222	606 KAR 5:096
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